

## **PART 1 REPORT**

### **Application Recommended for APPROVAL**

**APP/2012/0113**

Rosehill with Burnley Wood Ward

Full Planning Application

Proposed change of use from garage to car wash (Operating 09:00 to 18:00 Monday to Saturday and 09:00 to 17:00 Sundays and Bank Holidays)

ROSEHILL GARAGE MANCHESTER ROAD BURNLEY

### **Background:**

The application is for the change of use of the former car sales showroom and garage site to a hand car wash operating 7 days a week, 9am till 6pm and 9am till 5pm Sundays / Bank Holidays.

Site area is approximately 761 square metres.



Objections have been received by nearby residents.

An amended plan and document was received 12 April 2012.

### **Summary of Reason for Decision:**

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

### **Relevant Policies:**

#### **Burnley Local Plan Second Review**

EW9 – Small Businesses, Working From Home, And Community Enterprises In Residential Areas.

GP1 – Development Within The Urban Boundary

H12 – Non Residential Uses in Residential Areas

### **Site History:**

APP/2007/0600 – Proposed large retail unit with two flats above and smaller retail unit with offices and store above including details of layout, scale & means of access (all other matters reserved for future approval).  
(refused)

- 12/81/0386 – Change of use from service station with car sales to car sales only with car showroom. (c/c)
- 12/80/0491 – Proposed car sales area and parking in existing garage forecourt. (c/c)
- 12/80/0451 – Use of existing petrol service station for the ancillary sale of vehicles and accessories and the storage of L.P Gas. (withdrawn)
- 12/78/0531 – Erection of internally illuminated double sided projecting sign. (withdrawn)
- 12/78/0150 – Erection of forecourt canopy over existing pump islands. (approved)
- 12/78/0149 – Erection of internally illuminated. (c/c)

### **Consultation Responses:**

#### LCC Highways Burnley -

The proposal for the car wash facility is likely to increase the number of trips to the site over and above the levels currently experienced as a car sales business. Highways have concerns that some of the visitors to the site will be on the “wrong side” of the dual carriageway, and unable to turn directly to or from the public highway due to the central reserve that runs the full length of the site. There is the likelihood in this scenario for vehicles to undertake a U-turn in Manchester Road which they would consider to be hazardous to the safety of road users.

There is little information on the submitted plan to indicate how vehicles would stack up / circulate within the site prior to washing. The concerns would be that at busy periods waiting customers may extend onto Manchester Road causing a hazard to road users.

A screen must be erected between the washing area and Manchester Road to ensure that airborne water spray does not travel and affect road users and pedestrians.

Subject to the following conditions being attached to any permission that may be granted, the highways traffic engineer raises *no objections* to the proposal on highway grounds.

**1.** No part of the development hereby approved shall commence until a scheme for the construction of the offsite highway works has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

**Reason:** In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme are acceptable before work commences on site.

**2.** No part of the development hereby approved shall be occupied or open for business until the approved scheme referred to in condition 1 above has been constructed in accordance with the scheme details.

**Reason:**

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions prior to the completion of the highway works.

**3.** A plan showing the layout of the site together with the car parking, waiting and manoeuvring areas shall be submitted to the Planning Authority for approval and these areas appropriately marked in accordance with the approved plan prior to the use hereby permitted becomes operative.

**Reason:**

To ensure a satisfactory movement of vehicles through the site.

**4.** Prior to the site becoming operative, the applicant shall submit plans for approval by the planning authority for a screen between the car washing area and Manchester Road.

**Reason:**

To ensure that water spray / mist generated by the washing of cars does not migrate to the public highway.

**Note:** The grant of planning permission will require the applicant to enter into an appropriate legal agreement with the County Council as the Highway Authority for the highway works required under this permission.

Environment Agency -

No objections are offered in principle but the following comments are made:

The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore detailed site-specific advice is not provided in regards to land contamination issues.

The developer should address risks to controlled waters from contamination at the site, following the requirements of PPS23 and the Environment Agency 'Guiding Principles for Land Contamination'.

Environmental Health -

The activity of commercial car washing can introduce a potential new noise source to a site location. In this regard, it is sometimes difficult to provide an effective acoustic barrier that can be erected close to the source of use that can minimise and thereby reduce the noise level to those affected.

In terms of this site location, it is considered the most effective control is reducing the hours of operation rather than seeking physical barriers at the point of operation.

As a precaution, in order to safeguard residential amenity from noise and disturbance, it is recommended that the hours on a Sunday be amended to operate from 10:00am rather than 9:00.

Two individual letters of objections from residents at Rosehill Mount have been received, objecting to the proposal on the following grounds -

- The proposal will lead to loss of privacy to adjoining property at No. 42 Rosehill Mount.
- Parking is an issue, due to existing double yellow lines.
- Increased level in noise and pollution.
- Traffic problems / safety hazards on Manchester Road.
- Environmental issues

**Planning and Environmental Considerations:**

The application site is within the Urban Boundary where development is expected to be located, in line with **Policy GP1**

**Policy H12 – Sets out the following criteria against which non-residential development in residential areas will be assessed:**

a) The proposal is sensitive to, and in keeping with the character of the residential area, in terms of design and scale and materials;

The proposed site is located on a main road with residential properties to the rear and to the side (Rosehill Mount). These residential properties are at a raised level, being higher than the application site and the nearest house would be at a 30m distance

from the washing area. It should also be noted that large trees surround the site and provide a good level of screening for the site, which would protect privacy and control some noise pollution. Properties across the road comprise a mix of commercial and residential with parking to the front.

A clear polycarbonate sheet would be erected between the car washing area and Manchester Road, to ensure that any water spray and mist generated by the washing of cars does not migrate onto the public highway. The screen would have an overall height of 2400mm and a width of 12000mm. The design is simple and most appropriate solution for its purpose.

Considering this site previously operated as a garage and car sales, this proposal is not significantly different in terms of the main considerations being noise, traffic and adverse impact to residential amenity.

*b) There would be no adverse effect on residential amenity as a result of the proposed activity;*

The main property in concern would be no.42 Rosehill Mount which is the nearest to the site. Residents would experience some level of noise disturbance from the car wash activity, especially through the operation of the jet wash and vacuum equipment. This equipment is audible, but would only be in continuous operation during busy periods throughout the day. In my opinion, this is an area where the background noise levels are already high and as the residential properties are spread out and located at different land levels, they are a sufficient distance from the site to ensure that noise levels would not cause significant disturbance to these residents.

The proposed hours of operation are:

Monday to Saturday: 9:00 – 18:00

Sunday & Bank Holidays: 09:00 – 17:00

These are reasonable hours to operate within a mix residential area, apart from Sundays and Bank Holidays. It would be appropriate to restrict these hours to 10:00 - 16:00 and this will be imposed by way of condition. This is to protect the amenities of nearby residents at sensitive times especially during spring and summer mornings.

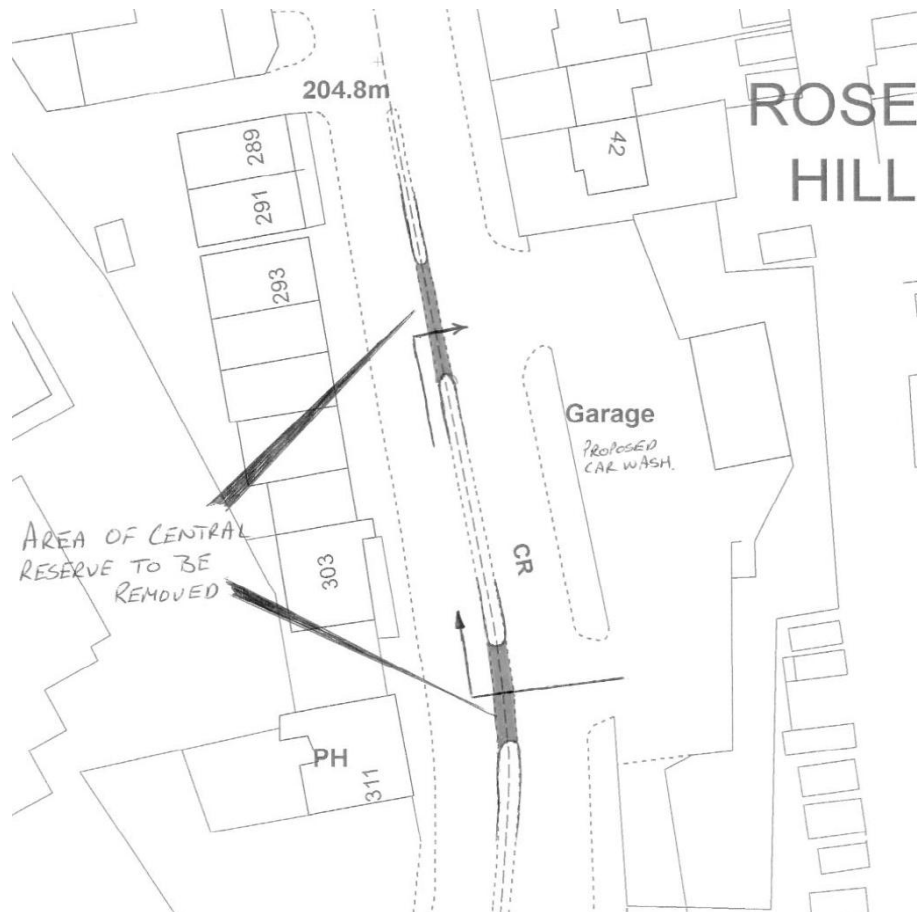
*c) There would be no adverse effect due to the vehicular or pedestrian traffic that the proposal generates, particularly through noise, general disturbance and loss of privacy;*

One of the objections raised, concerns the possible high volume of traffic. This issue has been addressed by the traffic engineer and it has been recognised the proposal will lead to an increased number of trips to the car wash, over and above what was experienced by the former car sales. Bearing this in mind, it is suggested and required by the highway authority to remove parts of the central reserve on Manchester Road opposite the entrance and exit of the site. This will enable easy access to the site from the opposite side of the road and make departure easy for vehicles, avoiding the risk of vehicles undertaking U-turns on Manchester Road, which is considered to be hazardous to road safety.

If Members are minded to approve this application, this can be implemented by way of condition to ensure the scheme for the construction of the offsite highway works is carried out in accordance with highway authority before the car wash comes into use.

Appropriate on-site parking bays are available for customers and space is available within the site to allow cars to wait in a busy period, rather than queue on Manchester Road.

Providing these measures are in place before operation of the use, there would be no adverse effect on vehicular / pedestrian traffic and any general disturbance.



d) The proposal does not lead to an intensification of non-residential uses detrimental to residential amenity and character;

The proposal does not increase the non-residential uses within this area, the reason being this is a commercial site and a garage / car sales use could operate from here without the need for further planning consent. The proposed use can be accommodated within the site and traffic measures can be put in place to control traffic issues. The car wash could give rise to some disturbance, but with the suggested time restrictions it would not be detrimental to the residential amenity of the area.

e) Adequate vehicular access, on-site parking and servicing space can be provided;

The vehicular entrance and egress would remain as existing and operate a one way system to wash / vacuum and dry vehicles. This would overcome any traffic and parking issues which may arise.

The existing garage building on site would be used as the valeting bay with adjoining customer waiting area / toilets. Four parking bays would be marked out and ample room is available for manoeuvring vehicles.



**Policy EW9 – Small business activities will be permitted within residential areas where they do not:**

- a) *adversely affect residential amenity, by reason of noise; or*
- b) *lead to disturbance or problems of highway safety, caused by motor vehicles visiting or leaving the site.*

The car wash falls within the small business category and the main issues which it requires to be assessed against have been addressed in the report. In conclusion, the highway authority, environment agency and environmental health department do not raise any objections to the proposal and in regards to residential amenity the proposal is considered to be acceptable subject to the below mentioned conditions and does not justify a refusal.

It must be recognised that this is a vacant site and would be brought back in to use which will provide some employment opportunities.

**Recommendation:**

That planning permission be granted subject to the following conditions.

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. No part of the development hereby approved shall commence until a scheme for the construction of the offsite highway works has been submitted to and approved in writing by the Local Planning Authority
3. No part of the development hereby approved shall be occupied or open for business until the approved scheme referred to in condition 2 above has been constructed in accordance with the scheme details.
4. The use hereby approved shall not be open for business outside the hours of 09:00 - 18:00 Monday to Saturday and 10:00 – 16:00 hours on Sunday and Bank Holidays

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of highway safety, having regard to policy EW9 of the Burnley Local Plan, Second Review.
3. In the interests of highway safety, having regard to policy EW9 of the Burnley Local Plan, Second Review..
4. To protect the amenities of nearby residents, in accordance with Policy H12 of the Burnley Local Plan Second Review.

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12 April 2012