

<b>Recommendation: Conditional approval</b>	
<b>20192171</b>	<b>1 Exploration Drive</b>
Proposal:	Change of use of part of car park to car wash; construction of single storey detached building; construction of canopy; installation of security camera; installation of floodlights; alterations (Sui Generis)
Applicant:	Waves Valeting Services Ltd
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192171">https://planning.leicester.gov.uk/Planning/Display/20192171</a>
Expiry Date:	7 January 2020
CH	WARD: Abbey



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## Summary

- Brought to Committee as more than 5 objections from city addresses have been received.
- Deferred from the committee on 18<sup>th</sup> February to further consider impacts
- 14 objections from city addresses were received concerning noise pollution, air pollution, congestion and standing traffic and the number of car washes in the local area
- The main considerations are residential amenity, design, highways and drainage.
- The application is recommended for approval.

## **The Site**

The application relates to a section of the car park of a supermarket.

The site is within a 250m buffer of a known air pollutant Renault Leicester and is within a GDO Landfill 250m Buffer. Parts of the site are at risk of Surface Flood (1 in 1000). The site is located close to Abbey Lane which is a Classified Road.

## **Background**

There is a corresponding application (ref 20192172) for the installation of seven non-illuminated fascia signs and four freestanding signs to the car wash. This application is currently under consideration.

20111711 – Foodstore (Class A1) with petrol filling station, parking and landscaping and technology/innovation building (Class B1b) with parking and landscaping (Conditional approval was granted 27/09/2011 – implemented).

## **The Proposal**

The proposal is for the change of use of part of the car park to provide a hand carwash. The proposal also includes the construction of a single storey cabin to provide a reception and storage, the construction of a canopy, the installation of hardstanding and associated drainage to serve the car wash and the installation of a security camera and floodlights.

The application states that the car wash will provide employment for four full-time and four part-time members of staff. The proposed hours of use are 08:30-17:30 Monday to Saturday and 10:00-16:00 on Sundays and Bank Holidays. These hours of use are within the hours of use of the supermarket. The proposal would result in the loss of 14 car parking spaces.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 108 and 109 (Highways)

Paragraphs 127 and 130 (Good Design)

Paragraph 163 (Sustainable Drainage)

### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

### Supplementary Planning Documents (SPD)

Appendix 01 – City of Leicester Local Plan

## **Consultations**

Pollution (Noise) – No objections. Recommends the following condition should be attached: 'No machinery shall be installed or operated nor shall any processes be

undertaken which are detrimental to the amenity of the area by reason of noise, in the interests of the amenities of nearby occupiers'

Pollution (Contamination) – No objections. Recommends the following conditions: 'Petrol/Oil Interceptor be Provided' and 'tanks to be bunded'

Local Highways Authority – No objections

Air Quality – No objections

## **Representations**

Objections have been received from 14 separate City addresses, the concerns are:

- The area is already heavily polluted and congested.
- There are already 3 car washes in the nearby area.
- The car park is crowded at peak times and slow moving traffic causes air pollution and is a health risk.
- The car wash will increase the amount of standing traffic while people wait to have their cars washed.
- The products used in the car wash will pollute nearby gardens.
- The hours of the supermarket mean there is no respite from pollution during the day time.
- Litter as a result of the supermarket.
- Light and noise pollution caused by the store and the illuminated ASDA advertisement.
- The store attracts cars late at night as the barriers are not put down which raises concerns about anti-social behaviour.

## **Consideration**

### Principle of development

The proposed development is considered to be acceptable in principle, as it is located within an existing shopping area on the ground of an ASDA supermarket. Objections have raised concerns over the number of car washes within close proximity of the site. The closest car wash is located on the junction between Abbey Lane and Chale Road, approximately 350m away from the site. I consider the use of part of the car park is an appropriate associated use for the supermarket.

The main issues in this case are the impact on residential amenity, the appearance, highways and drainage.

### Residential amenity

Residential properties are within close proximity to the site, along Ariana Place and Swithland Avenue. An acoustic report was submitted, including typical noise levels of car washing facilities, based on other sites. The location of the wet area is furthest away from the residential properties and the office and screens are considered to act as acoustic barriers. The noise level of the proposal is considered to be below the existing noise levels of the traffic in and around the site. I therefore consider there is unlikely to be unacceptable impact in relation to noise for nearby residential properties.

It is also unlikely that the proposed car wash facilities would have an unreasonably detrimental impact on the light, outlook and privacy for these properties. I consider the condition recommended by Pollution Control in respect of ensuring no detrimental processes is appropriate.

Concerns were raised during the Planning Committee meeting in February regarding the impact of the proposal on the residential amenity of nearby properties.

The car wash is proposed to operate from 8:30am – 17:30pm Monday to Saturday, and between 10:00am-16:00pm on Sundays.

If it was considered that there was a threat to residential amenity from the operation, a condition could be imposed to prevent use in the early morning eg before 0730 and in the evening eg after 18.00; however I consider that the impact of the use would be less likely to be above that of the site as a whole during the busier times for the supermarket and the store would not want the car wash to operate when the store was not open.

Some concern was expressed about possible impact of lighting of the car wash. Notwithstanding the intended daytime only operation the car park as a whole is lit and therefore any lighting of the car park would not add to any impact.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

### Character & Design

The size of the proposal is considered to be appropriate in relation to the neighbouring ASDA supermarket and would not be visually dominant.

Concerns were raised at the Planning Committee meeting on 18/02/2020 regarding the design of the proposal.

I acknowledge that the proposed building would not be intrinsically attractive; however the proposed design of this practical building is reasonably neat and should be seen in the context of the overall site. The siting and backdrop to the proposed facility is a large car park, the rear of a supermarket and a petrol filling station.

I consider the design and siting is acceptable and that it is unlikely to cause significant visual harm within the local area or provide an unacceptable outlook from adjacent houses

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policies PS10 and PS11 of the Local Plan (2006).

### Highways and Parking

The proposed development would remove 14 existing parking spaces from the ASDA car park, reducing the parking capacity from 333 to 319 spaces.

My assessment is that the proposed use is unlikely of itself to generate trips in numbers that will have a noticeable impact on the local highway network or generate significant levels of air pollution to warrant a refusal. The number of lost spaces is relatively small and unlikely to create problems.

Concerns were raised about highways and parking during the Planning Committee Meeting in February and concerns were raised about the impact when the car park was busiest.

The car park management plan submitted to discharge condition 15 of the original permission for the store states that there are 333 car parking spaces provided on site and that the maximum estimated usage would be 316 spaces.

I consider that at times where the car park is busy this is most likely to be a problem for the supermarket operator rather than a threat to the function or safety of the highway. Exploration Drive has double yellow lines down either side. I consider that vehicles searching for a parking space within the site would be able to do this without impacting on roads or junctions outside the site.

I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006), and is acceptable in terms of parking.

### Drainage

Concerns were raised regarding pollution at the Planning Committee in February.

The use of the site as a car wash could result in contaminated water from the washing of cars needing to be discharged from the site. The site is served by a surface water sewer and a public foul sewer. A drainage plan has been submitted in the application, including the foul and surface water systems, the connections to the public sewer system and flow control devices. The details provided are considered to be sufficient and the proposal is considered to be acceptable in relation to drainage considerations. I consider the condition recommended by Pollution Control in respect of surface water drainage is appropriate.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

As advised by colleagues I do not consider that the proposal properly controlled and managed is a significant pollution risk. Notwithstanding the recommended planning conditions pollution events can be tackled through environmental protection legislation.

### **Conclusion**

I appreciate the concerns expressed about visual and other potential impacts; however I consider that the proposal is acceptable with recommended conditions.

I therefore recommend that the application be APPROVED subject to the following conditions:

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Provision shall be made before the development is brought into use for surface water drainage from the car park to pass through a petrol/oil interceptor and shall be retained as such, details of which shall be agreed in writing with the City Council as local planning authority. (To minimise the risk of pollution of drains and watercourses and in accordance with Policy CS02 of Core Strategy)
3. Any above-ground chemical tanks shall be bunded, in accordance with details to be agreed in writing with the City Council as local planning authority, before they are brought into use. (To prevent pollution in accordance with Policy CS02 of the Core Strategy )
4. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise or pollution (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 and PS11 of the City of Leicester Local Plan.)
5. This consent shall relate solely to the submitted plans ref. no. LE4 5NU - PL-003, LE4 5NU - PL-004, LE4 5NU - PL-005a, LE4 5NU - PL-006 and LE4 5NU - PL-006a received by the City Council as local planning authority on 12/11/2019. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

#### **Policies relating to this recommendation**

- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.