

MC/17/3944

Date Received: 13 November, 2017

Location: Frindsbury Car Wash Frindsbury Hill, Wainscott, Rochester ME2 4JR

Proposal: Variation of condition 2 of planning permission MC/15/1016 to enable an additional area to be used for valeting and drying of vehicles

Applicant: Frindsbury Car Wash

Agent: Mr Harry Bailey Architectural Designs Ltd 116 Kings Road Biggin Hill Kent TN16 3HQ

Ward Strood North

Case Officer Paul Ives

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 17 January 2018.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

3024/2 Rev B received 8 January 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The washing and valeting of vehicles shall only take place within the designated areas as shown on submitted plan 3024/2 RevB hereby approved and shall not take place anywhere else on the site.

Reason: In order to limit the spread of the use over the site in the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 3 Tyre storage shall only be undertaken within the Tyre shop area and Tyre Store as shown on submitted plan **3024/2 Rev B** hereby approved and work on tyre fitting shall only take place within the bay areas marked as such on drawing 3204/2 Rev B hereby approved. The uses shall not take place anywhere else on the site.

Reason: In the interests of visual amenity of neighbours and with regard to Policy BNE1 of the Medway Local Plan 2003.

- 4 The type and number of pressure washers shall not exceed two in use at any one time on site in accordance with the previously approved details submitted under reference MC/15/2220 dated 26 October 2017. The additional pressure washer outlet/apparatus shall be disconnected within one week of the date of this planning permission and only used as emergency replacement for either of the two pressure washers hereby approved and no additional equipment used for this process shall be used on site thereafter unless otherwise agreed in writing by the local planning Authority.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003

- 5 The development shall be served by the valeting equipment hereby approved (Frogchem Coveva Sharing Power Vacuum Cleaner) only and no additional mechanical valeting equipment used for this process shall be used on site thereafter unless otherwise agreed in writing by the local planning Authority.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 6 Within two weeks of planning permission being granted, full details of surface water collection and disposal from the site to an appropriate waste disposal site shall be submitted to and approved in writing by the Local Planning Authority. The approved means of disposal process shall be thereafter maintained for the duration of the use.

Reason: In the interests of the preventing contamination of the public sewer with waste water from the car wash and with regard to paragraphs 7, 17, 109, 110 and 120 of the National Planning Policy Framework 2012 and Policy BNE23 of the Medway Local Plan 2003.

- 7 The use shall only operate between the hours of 0800 to 1800 Mondays to Saturdays and between 10:00 to 17:00 on Sundays only. The use is not permitted on bank holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The acoustic screens previously approved under reference MC/15/2220 dated 26 October 2015 and shown on drawing 3024/2 Rev B shall be retained in accordance with the approved details for the duration of the use. On cessation of the use, the screens shall be removed.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks the variation of condition 02 of planning permission MC/15/1016 to enable the previously approved circulation area and dedicated parking bays to facilitate access to and use part of the site as a valeting area that can serve two vehicles at a time. The works currently breach the terms of condition 02 that specifically manages the washing and valeting of vehicles (together with replacement of tyres on vehicles) within a designated areas on the site in the interests of the amenities of neighbours. The use has commenced and in effect allows for vehicles to be manoeuvred into position (once washed) and parked within the southern area of the site ready for valeting. An industrial vacuum machine has been installed on site with an overhead mechanism to enable the hoses to be manoeuvred over parked vehicle's and into position. The apparatus includes two vacuum cleaners in one stainless steel metal body sharing one power source.

Whilst there was no specific control over chemical materials used in connection with cleaning vehicles previously, such storage is carried out within an enclosed overspill tyre storage area that also accommodates washing machines/dryers to clean workers clothing. The previous dedicated spaces for valet cleaning are not being used.

The proposed hours of operation will not change. The original hours imposed on condition 05 of this permission were changed on appeal and allowed between the hours of 0800 to 1800 Mondays to Saturdays and between 10:00 to 17:00 on Sundays only. The use is not permitted on bank holidays.

Relevant Planning History

MC/15/2221	Variation of condition 5 of planning permission MC/15/1016 (retrospective change of use from car sales (sui generis) to a mixed use for car sales, hand car wash and retail tyre sales) to change the hours of operation to 0800 to 1800 Monday to Friday, 09:00 to 18:00 on Saturday and no trading on Sundays and Public Holidays.
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Decision Approval With Conditions

Decided 20 January, 2016

Appeal allowed to vary hours further

MC/15/2220	Details pursuant to conditions 03, 04, 06 and 07 on planning permission MC/15/1016 'Retrospective change of use from car sales (sui generis) to a mixed use for car sales, hand car wash and retail tyre sales'
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Decision Discharge of Conditions

Decided 26 October, 2015

MC/15/1016

Retrospective change of use from car sales (sui generis) to a mixed use for car sales, hand car wash and retail tyre sales

Decision Approval With Conditions

Decided 20 May, 2015

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

A **petition with 28 signatures** has been received objecting to the proposal stating that the development should be refused on both amenity grounds and concerns of environmental impact.

Two letters of representation have been received objecting to the proposal on the following grounds:

- Additional levels of noise
- the high tech vacuum cleaner is a huge improvement from the previous units used but the previous machines could be brought back into use. These had a high pitched whine that could be heard over road traffic noise.
- Tyre storage is existing outside the tyre bay enclosure and on the boundary near to the Nursing Home which is a fire hazard
- Overspray of water onto the highway and over passing pedestrians
- Water run off onto the public highway
- No substantial reduction in vehicle movement
- Vehicle sales do not have planning consent

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

Planning permission exists for the use of the site as car sales, hand car wash and retail tyre sales. The car wash facility is based on two pressure washers being used at any one time set underneath the canopy- a further pressure washer is kept in reserve in case of break down. Customers enter via the northern most entrance off the public highway and are directed to the car wash canopy area for jet spray cleaning or to a replacement tyre bay to the northern side of the site. A customer waiting area/reception with ancillary office and utility room is located on the eastern side of the site set back behind the canopy. Overspill storage is provided adjacent to the tyre replacement bay area but is now used for storage of chemicals associated with the car wash facility and accommodates washing facilities for staff. To the southern side of the

existing office, two valet parking bays were previously allocated for use and six separate parking bays allocated on site for off road car sales. Polycarbonate acoustic screening has been approved and implemented to both the highway frontage on the western side of the site and to the rear on the eastern side. The remainder of the site was dedicated to circulation space. Surface water drainage has also been provided to avoid overspill onto the public highway.

Design

The proposed design changes are minimal and focus around a vacuum cleaner facility located on the western boundary of the site behind a glazed screen. The visual impact of the development is limited to glimpsed views from the highway either side of the screen but vehicles can be seen when they are being cleaned. With the screening in place and taking into consideration the lawful use, no objection is raised on design grounds. In summary the visual impact of the development on the current commercial site is considered acceptable including with regard to Policy BNE1 of the Local Plan.

Amenity

The main amenity concern is the impact on the living conditions of local residents.

The impact of the use on the amenities of neighbours remains a very important consideration. The site is already a busy and noise is generated through the general movement of vehicles as well as from the cleaning and tyre changing uses.

The new layout using screens to partially enclose the washing and valeting area from these neighbours has helped to reduce impact from noise associated with a hand pressure water spray system. A previous planning condition was recommended to require that the washing and valeting only take place within a defined area to prevent its spread over the site and back towards the boundaries with neighbours in order to aid in limiting its impact. However, the operation has not been undertaken in accordance with the terms of this condition and valeting in particular takes place in other parts of the site. Notwithstanding this, with the existing screening in place and the valeting equipment set immediately behind this, the proposed impact of the development would be acceptable. This would appear to be the case where residents have commented that the noise levels have improved from the site using new equipment. Subject to planning conditions to limit the use of the spraying facility and noise mitigation, the use would not cause an unacceptable loss of amenity to neighbours.

With regard to the physical additions, due to their size and location they have not resulted in a loss of privacy, light or overbearing impact to neighbours. In summary the impact of the development on amenity is therefore considered acceptable, including with regard to Policy BNE2 of the Local Plan and to the NPPF (point 4 of paragraph 17).

Highways

There would be no change to the existing entrance and exit of the site where vehicles are managed to enter and leave the site in a forward gear through different points. In

effect, vehicles enter to the northern most side of the site and leave from the southern most side. These points of exit and entry onto the highway have been established for many years including when the site was in its former use. The use obviously attracts vehicles to the site and always has done. Although at peak times this may cause queuing, it is not considered that this causes any significant hazards to highway safety. Accordingly no objection is raised with regard to Policies T1, T2 and T13 of the Local Plan.

Local Finance Considerations

There are no financial implications arising from this development.

Conclusions and Reasons for Approval

In summary there is no objection in principle to the changes proposed to the existing established use. Subject to conditions it is considered that the impact on the amenities of neighbours can be limited to prevent harm. The visual impact of the use is considered acceptable for the location as is the effect on parking and highway safety. Approval is therefore recommended including with regard to paragraphs 17 and 120 of the National Planning Policy Framework 2012 Policies BNE1, BNE2, BNE23, T1, T2, T13 and CF12 of the Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>