

MC/22/2959

Date Received: 15 December 2022
Location: Canal Road Open Space Canal Road
Strood Rochester
Proposal: Change of use of land and buildings to form mixed use car wash
and tyre shop.
Applicant Mr Dilman Mahmoud
Agent Architecture Everything Ltd
Mr Esmerald
18 Manor Gardens
Ruislip
HA4 6UB
Ward: Strood North Ward
Case Officer: Sam Pilbeam
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 8th March 2023.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received 15 December 2022:

A0102 - Proposed Site Plan

A0202 - Proposed Block Plan

A0301 - Proposed and Existing Mixed Elevations

A0302 - Proposed Elevations

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

- 3 All materials used externally shall match those set out in the Planning Application Form received 15 December 2022.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The use hereby permitted shall only operate between the hours of 08:30 to 18:00 Monday to Saturday and 10:00 to 16:00 Sundays and Public 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.

- 6 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise arising from the proposed premises. The noise rating level (L_{Ar},T_r) from the premises shall be at least 10dB below the background noise level (L_{A90},T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

- 7 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has submitted to and approved in writing by the local planning authority. The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of National Planning Policy Framework 2021.

- 8 Prior to use commencing (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority, to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 9 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112e of the National Planning Policy Framework 2021.

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 planning permission for the erection of a mixed-use car wash and tyre shop. The proposed car wash would consist of two buildings, one located to the south and other to the north. The southern building would measure approx. 10m in width by 6.3m in depth supporting a 3.3m tall flat roof. The structure would also support two canopies, one to the east and one to the north. This would facilitate an office, customer reception, staff kitchenette and w.c internally and space for hand and valet car washing under the canopy space.

The second building would measure approx. 8m in width by 8.7m in depth, again supporting a 3.3m tall flat roof with an approx. 5m canopy projecting to the south. Facilitating two tyre bay spaces and office/storage space.

Externally, the proposal would support refuse storage to the west of the curtilage and two overflow car parking spaces centrally.

The proposed opening hours are 08:30 – 18:00 Monday to Saturday and 10:00 – 16:00 Sundays and Public Holidays.

Relevant Planning History

MC/22/1379

Change of use of land at Canal Road to sui generis for mixed use car wash and tyre shop
Decision: Approval with Conditions
Decided: 4 November 2022

Representations

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

Seven letters received raising objection on the following grounds:

- Increased noise
- Increased traffic and reduction of highways safety
- Detrimental to air quality
- Location to child's play area and potential detrimental impacts in regards to noise, safety and air quality
- Loss of visual amenity and impact upon the street scene
- Water and drainage issues

The **Environment Agency** were consulted and stated they had no comments due to the low environmental risk of the scheme.

Councillor Stephen Hubbard has raised objections to the proposal as follow:

- Result in a detrimental impact upon the amenities of Kingswear Gardens.
- Is not a suitable development outside a child's play area.
- Could increase pressures on the highway and highway's safety.

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 2021 and are considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

A previous application was submitted to and approved in November 2022 under planning ref: MC/22/1379 for the change of use to a mixed-use car wash and tyre shop. The approved scheme is not too dissimilar to the current proposal. The approved scheme proposed one building to be located to the south and the current proposal

seeks an additional building to the north. The structures are single storey and of similar design to the approved scheme.

Principle

The site location sits within the westerly segment of Canal Road, forming part of the urban area of Strood. The site is not designated itself but does fall within approx. 200m of the Core Retail Area of Strood. As such, the proposal is subject to the provision of Policy R12, promoting the implementation of mixed-use schemes, of an appropriate size and scale, within close proximity to core retail centres. More specifically, the preamble to Policy R12 states “...such schemes may comprise of a range of uses including residential, offices, service uses, food and drink, entertainment and health facilities as well as retail”. Lastly, Policy R12 affirms that development will only be acceptable in instances whereby the proposed schemes contribute greatly to the core retail areas vitality and viability, while simultaneously promoting the areas sustainability. In this instance, the proposed scheme would be a mixed service use, it is considered that the proposal would diversify the quantity of services that are available to residents within the locality, thereby, adding to the vitality of the town centre and core location of Strood. While simultaneously regenerating an existing decrepit site, consequently, promoting the visual amenity of the street scene. The scheme also offers an opportunity for a business invest, expand and adapt, therefore, would be supported by the objectives of paragraph 81 of the NPPF.

Consequently, in the context of the above, no objection would be raised in principle to the proposed mixed use car wash and tyre shop, however, the impact of the proposal in terms of design, amenity and highways needs to be considered further.

Design

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale, mass, and should respect the visual amenity of the surrounding area and host property. Further supported by paragraphs 126 and 130 of the NPPF, which emphasises the importance of good design.

The design of the buildings themselves, and associated structures, would be standard for a purpose-built unit and fit for its associated use. While the design is not of any particular architectural merit, the existing site is characterised by a parcel of land that has run into disrepair, as such presenting an eyesore within this section of the road. In this context, it is considered the proposal would result in a positive contribution to the character and vitality of the street scene, therefore, no objections would be raised to the design of the structures.

In terms of massing and bulk, it is considered the proposed layout of the structures would fit comfortably within the site/plot. The height, scale and positioning of the structures and layout of the uses would not result in clustering of the site and would not appear dominant when viewed from vantage points along Canal Road; essentially the structures would match the height of the existing boundary wall that runs along the western perimeter of the site. Consequently, no objections would be raised under the provisions of Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relate to the protection of neighbouring amenities with regard to sunlight, daylight, privacy, outlook, and noise.

In respect to outlook, the proposed building to the south would adjoin the flats along Kingswear Gardens. While the proposal would project over the existing height of the boundary walls, the windows impacted by the additional projection are not habitable, serving a staircase, therefore, should the proposal result in a loss of amenity this would not result in detriment to the continued enjoyment of the property. Similarly, letters of consultation have raised concerns as to the impact of the proposal upon the gardens running parallel to this structure. It has been established that the proposal would exceed the height of the boundary fence, however, the structure would also be inset by approx. 1m from the boundary, therefore, mitigating the encroachment of the building upon the rear gardens. This in itself, is considered to be acceptable, however, it should also be noted that prior to the submission of this application the gardens were adjoined by a two-storey property that abutted the boundary. When considering the impact of a two-storey structure upon the rear gardens in comparison to the impact of the proposed structure, it is not considered that the impact would be comparable, but rather, significantly less than what was an established relationship between the two sites. Consequently, no objection would be raised in this regard.

On the other hand, in regards to noise and vibrations, concerns would be raised given the proximity of the proposal to residential units. As such, to ensure the car wash and tyre shop would not prejudice the amenity of adjoining residents a condition is recommended to request an acoustic assessment that illustrates any noise impact of the proposal upon the nearest residential façade with measures to mitigate any excessive noise identified.

Similarly, to protect the amenity of the residential occupiers during the construction process a Construction Environmental Management Plan (CEMP) condition is also recommended.

Finally, to ensure that both the comings and goings, including the car wash operation from the site does not result in noise at unsociable hours a condition is recommended to restrict the hours of operation to between 08:30 – 18:00 Monday to Saturday and 10:00 – 16:00 Sunday and public holidays.

In view of the above, and subject conditions, no objection is raised in regard to Policy BNE2 of the Local Plan and paragraphs 130f and 185 of the NPPF.

Highways

The proposal to change the use of the land to provide a commercial service in the form of a mixed-use car wash and tyre shop, while this would increase the intensity of use on the site, given the relatively small nature of the scheme and controls on operating hours it is not considered this would result in significant detriment to highway function or safety. Moreover, adequate parking has been provided onsite to accommodate any likely demand. Lastly, the site has two proposed access points onto Canal Road, it is

accepted that adequate visibility splays are provided as well as suitable access and egress.

It should be noted that the NPPF 2021 has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a suitably worded condition has been attached to fulfil this objective.

In accordance with the above, no objections would be raised on highways grounds, therefore, subject to condition it is considered the proposal would accord with the provisions of Policies T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF.

Contamination

Due to nature of the land and no record on the historic use of the land, the Council's Environmental Protection Team are satisfied there are no extant contamination matters to consider for this application.

Flooding

Due the siting of the site within a Flood Zone 3, high risk, a Flood Risk Assessment was requested by the LPA, to ensure a comprehensive understanding of the site's relationship with the encompassing area. In accordance with paragraph 079 of the National Planning Policy Guidance: *Flood and Coastal Change*, which states that when considering development, sustainable drainage systems should be provided unless demonstrated to be inappropriate. Further supported by paragraph 80 of the NPPF, presenting a hierarchy of drainage options to follow, with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

The submitted 'Flood Risk Assessment' (Architecture Everything, 11th December 2022) indicates the presence of Lewes Nodular Chalk formation at bedrock which suggests that infiltration may be likely at the site. It is stated that local borehole information suggests that infiltration is not feasible in this location.

Furthermore, the Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios. It is noted that the submitted report has been completed in FSR and this will need to be updated and secured via condition. Consequently, following the review of the Flooding Risk Assessment it is recommended that conditions securing a signed verification report is submitted to and approved by the LPA prior to use; and a construction surface water management plan is submitted to and approved by the LPA.

Subject to the recommended conditions no objections would be raised to the impact of the development upon and within the Flood Risk 3, high risk zone in accordance with paragraph 80 of the NPPF.

Conclusions and Reasons for Approval

Given the above assessment and reasons, in conclusion, this proposal would comply with Policies BNE1, BNE2, R12, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 80, 81, 111, 112e, 126, 130, 130f and 185 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation, these representations being supported by Councillor Stephen Hubbard.

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://publicaccess1.medway.gov.uk/online-applications/>