

Date of Meeting	30.05.2018
Application Number	17/12066/FUL
Site Address	Land to the rear of 1 Frome Road, Trowbridge, BA14 0DB
Proposal	Change of use to car wash with enclosed building, drainage and associated works (Resubmission of 17/05075/FUL)
Applicant	Mr Sukhwinder Dhaliwal
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE CENTRAL – Councillor Stewart Palmen
Grid Ref	385330 157312
Type of application	Full Planning
Case Officer	Steven Vellance

Reason for the application being considered by Committee:

The application is brought to committee at the request of Councillor Stewart Palmen for the consideration of the visual impact of the proposal on the surrounding area, the design, the bulk, the height and the general appearance of the proposed new facility and to consider the impacts on residential amenities.

1. Purpose of Report.

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary.

This report centres on assessing the principle of the proposed redevelopment of the site and appraising the neighbouring impacts as well as the effects on heritage assets, drainage and highway safety interests.

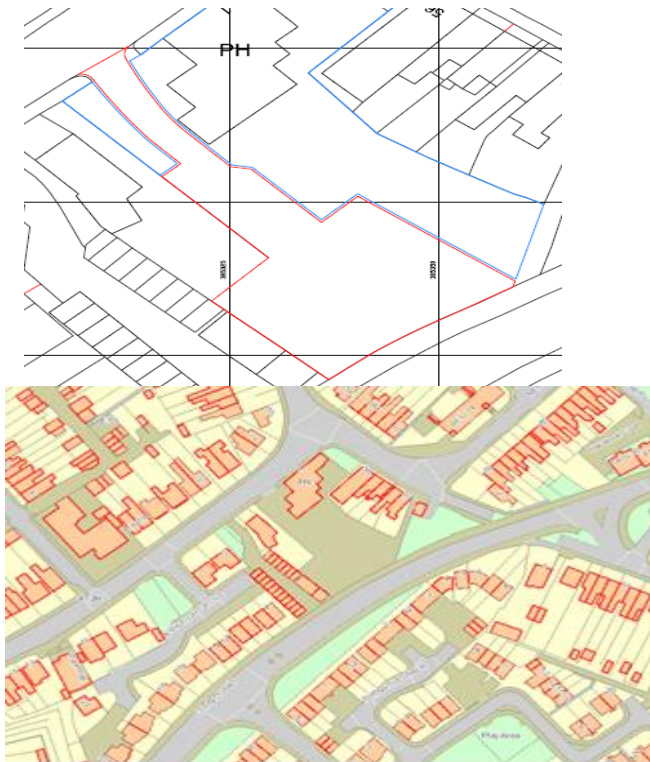
Trowbridge Town Council: Objects to the application for the reasons summarised in section 7 of this report.

Neighbourhood Responses: 7 third parties submitted 7 representations opposing the application which are summarised in section 8 of this report

3. Site Description

The 0.1 hectare application site is a privately owned car park located to the rear of the Ship Inn, which is accessed off Frome Road in Trowbridge. The site is bounded on two sides by public highway, the former Ship Inn Public House (now closed) and residential properties to the north-east. Additional residential properties are found within relative close proximity to the site to the north-west and south. The site's southern boundary backs onto the A361 County Way. The vehicular access which connects with Frome Road leads to a large car park area to the rear of the Inn. The site is located outside of the Trowbridge Conservation Area and it is appreciated that there is a mix of land uses, buildings and house types within close proximity to the site. The inserts

below illustrate the site parameters, local context followed by site photos of the site's frontage as viewed from Frome Road and from the rear viewed from the A361/County Way.



Site Location Plan

Wider Site Context Plan



The site's vehicular entrance off Frome Road



County Way/A361 public highway on site's southern boundary

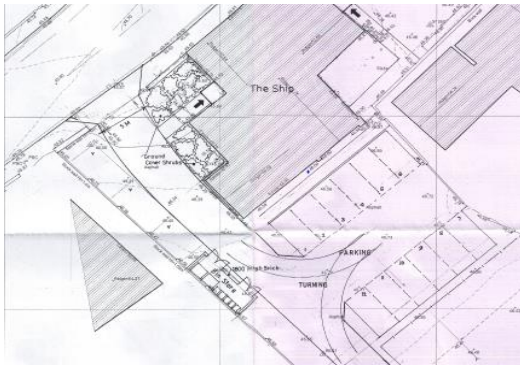
There is, as the above signage in the upper right photograph denotes, an existing car wash facility within the rear car park of the former Ship Inn, which is an authorised development that was approved in 2015.

The site is partially un-surfaced with a low brick wall to the south boundary and a breeze block wall to the west. A garage block and barn are located to the west of the site. PRoW TROW21 crosses adjacent to the east corner of the site connecting with Mortimer Street.

4. Relevant Planning History

W/09/00138/FUL - Retrospective application to regularise use of part of the site as a manual car wash area - Approved - 02.03.2009

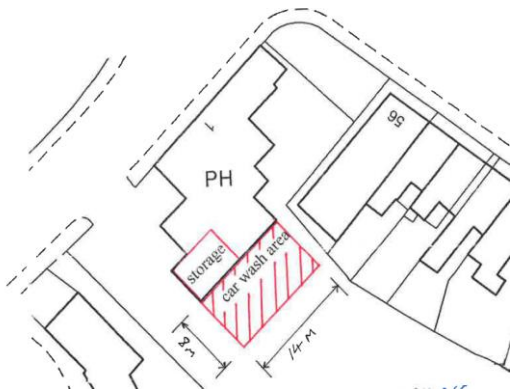
16/04462/FUL - Change of use and alterations and extensions to former public house to form 8 self-contained flats - Approved - 29.07.2016. The following inserts illustrate the site plan and proposed elevations:



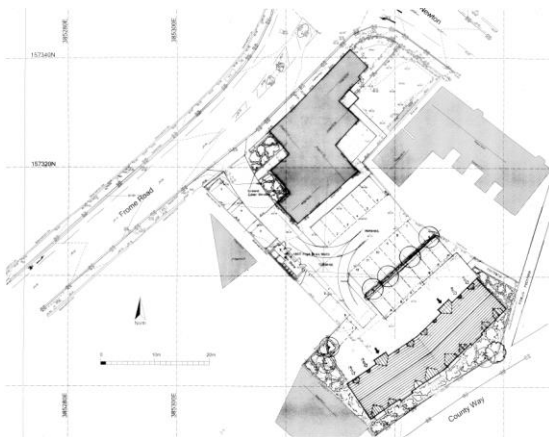
15/06493/FUL - Small area of car park to be used as manual car wash area. Approved – 21.10.2015 which *inter alia* was subject to the following condition:

“The use hereby permitted shall only take place between the hours of 9am in the morning and 6pm in the evening, from Mondays to Fridays and between 9am and 1pm on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays”.

The reproduced plan insert below shows the extant approved location of the existing car wash facility and the close proximity of neighbouring housing:



16/10046/FUL - Erection of 10 x 1 bedroom apartments with car park and associated works – Approved – 17.11.2017



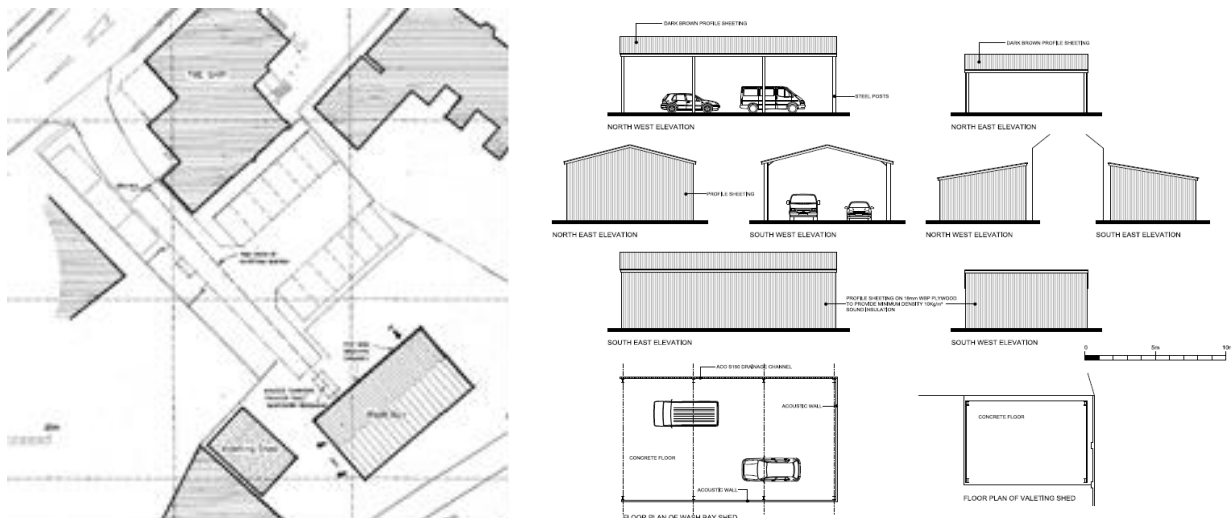
17/02014/VAR - Variation of Condition 1 of Planning Permission 15/06493/FUL to allow business to operate from 8am - 7pm on Monday to Friday, 9am - 6pm on Saturday and Sunday – Refused – 24.04.2017 with the following reason cited:

1. *The proposed increase in the hours of operation would have an adverse impact on the amenities of nearby residents arising from the activities on site, such that they would be contrary to Core Policy 57 of the adopted Wiltshire Core Strategy.*

17/05075/FUL - Change of use to hand car wash with two open sided buildings, drainage and associated works – Refused – 04.10.2017 with the following reasons(s) cited:

1. *The proposed intensification of use of the site and of the hours of operation, to include weekend working, would have an adverse impact on the amenities of nearby residents arising from the activities on site, such that they would be contrary to Core Policy 57 of the adopted Wiltshire Core Strategy."*

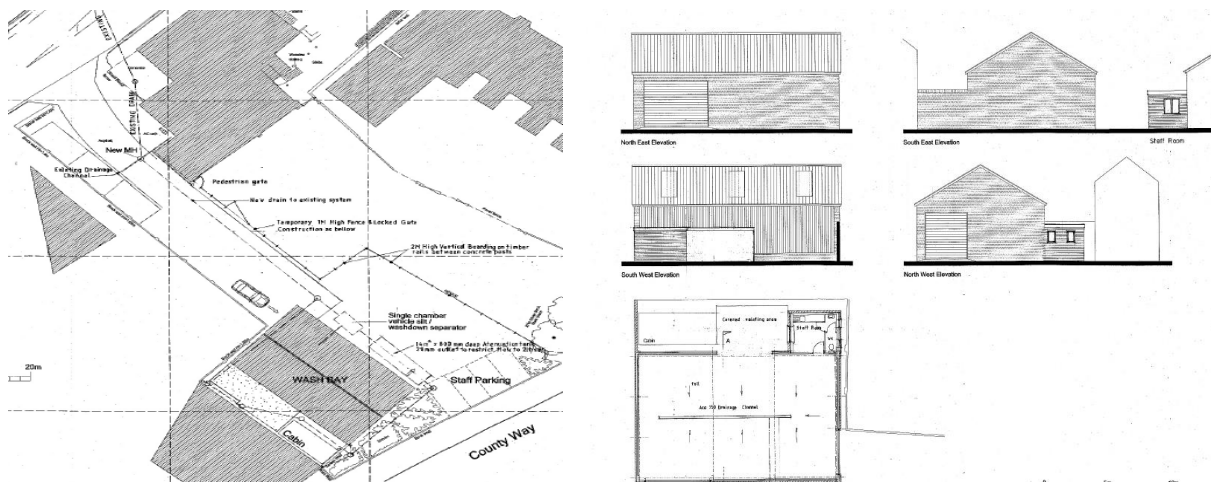
2. *The proposed wash bay shed and valeting shed by reason of their size, height, mass and unrelated design in a prominent location would create a visually incongruous and discordant feature that would be contrary to Core Policy 57 of the Wiltshire Core Strategy, as adopted 2015".*



Following the refusal of the above application, the applicant and his appointed agent approached planning and public protection officers to negotiate revisions and necessary mitigation measures, which are now enshrined within this application that is being reported to members of the planning committee.

5. The Proposal

The application seeks to gain planning permission for the change of use of part of the car park behind the Ship Inn to erect a building to be faced in brickwork and internally lined with plywood and thermal insulation to walls and roof to provide an acoustic barrier that would contain the hand operated car wash and valeting operations which would move the existing facility from immediately behind the Ship Inn to the south-western corner of the site and consequently move it a further 20m or so from the eastern plot boundary which abuts residential gardens.



A roller shutter door would be provided on the north-western and north-eastern façades of the proposed building which would be used as the entry and exits respectively to provide a one-way system. A small single-storey staff amenity structure and storage compound to provide toilet and washing facilities are also proposed to be attached to the new building's western elevation. Four staff car parking spaces would be provided which is clearly notated on the site block plan insert reproduced on the previous page.

New landscaping is proposed fronting the County Way/A361 public highway.

A 2m high vertical boarded fence shall be erected in addition to a temporary 1m high fence with lockable gates to sub-divide the site keeping the new car wash facility and associated car movements physically constrained in part of the site and detached from the neighbouring property boundaries.

The plan would also see the relocation of the existing car wash facility and operations from immediately behind the Ship Inn. To avoid the scenario whereby the applicant could in theory end up with two car wash facilities operating on site (the proposed enclosed unit captured by this application; and the extant approved outdoor facility), officers recommend that before planning permission is granted, the applicant would be required to enter into a unilateral undertaking to formally nullify the aforementioned extant planning permission, which would legally nullify the previous consent upon the bringing into use of the proposed new facility. A planning condition cannot legally secure a revocation and should the applicant fail to enter into such an undertaking, officers would no longer be supportive and would seek to refuse the application.

Members are therefore invited to consider as part determining this application, weigh up the necessity/ merits of seeking the revocation of the extant approved development that would legally bring an end to the existing approved operations and formalise the car wash/valeting operations away from the residential boundaries of No's 56-60 Newtown – which front onto Mortimer Street.

This application has been informed by necessary new drainage works to accommodate a new facility following negotiations held with Wessex Water and the Council's lead local flood authority, which included a site meeting which took place on 8 November 2017.

The proposed operating hours would increase to Monday – Saturday 8:00am to 7:00pm, and Sunday and Bank Holidays 10:00am - 4:00pm.

The application is supported by a noise impact assessment, a design and access statement, a planning statement, swept path analysis and a suite of plan drawings.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) CP1: Settlement Strategy, CP2: Delivery Strategy, CP57: Ensuring High Quality Design and Place Shaping; CP58: Ensuring Conservation of the Historic Environment; CP60: Sustainable Transport; CP61: Transport and Development; CP62: Development Impacts on the Transport Network; CP64: Demand Management; CP67 Flood Risk

National Planning Policy Framework (NPPF), National Planning Guidance (NPPG) and the Noise Policy Statement for England (NPSE) are also material considerations.

7. Summary of consultation responses.

Trowbridge Town Council: Objected to the application for the following reasons:

Proposed intensified use of site and hours of operation are not acceptable;
The development would lead to adverse impacts on residential amenities;
The proposed wash bay and valeting building by reason of its size, height, mass and design in a prominent location would create a visually incongruous and discordant feature;
The development would be detrimental to the nearby Conservation Area;
There is a lack drainage information and/or infrastructure to support the application;
The proposed development appears to lack the necessary staff welfare facilities to support employment and supervising persons.

Wiltshire Council's Public Protection Team: No objections subject to conditions securing the hours of operation, the terms of the permission (the jet wash and valeting operations), a condition covering lighting and ensuring the revocation of planning permission granted under 15/06493/FUL through a S.106 Unilateral Undertaking

Wiltshire Council's Highways Officer: No objections.

Wiltshire Council's Conservation Officer: No objections.

Wiltshire Council's Land Drainage Officer: No objections.

Wessex Water: No objections. Vehicles washed by hand produces less drainage flow than fixed vehicle washes, however the disposal of drainage water arising from hand washing of all vehicles must follow the same guidance as for fixed vehicle washes.

Environment Agency: No objections subject to an informative.

8. Publicity

The application was advertised by a site notice and posted out neighbour notification letters, following which 7 representations were received from 7 third parties raising the following concerns:

The principle and need for the car wash within a residential area are questioned. There are other car wash facilities elsewhere.

The Council recently refused a similar application for a car wash - what has changed?

The increased hours/days of operation are not supported.

The site operator currently washes vehicles for 59 hours per week.

The proposed building would be an eyesore and harmful on edge of Conservation Area.

There would amenity harm created by use of pressure washers, vacuum cleaners, engine noise – all contrary to Core Policy 57. The proposed new building would not address the impacts on amenity and will still generate noise.

Residents cannot enjoy their rear gardens because of noise and wafting spray from the car washing activities and suffer from stress and anxiety

Residents have no confidence in the site operators to which there has been local press coverage.

There has previously been a non-compliance with the original permission.

Consideration should be given to other developments in the town

The current operator's advert displays inaccurate hours of working.

Waste water run-off from current operations is/would not be dealt with properly.

The respite on a Saturday afternoon and all day Sunday is enjoyed by local residents.

Residents would prefer housing rather than car wash activities on the site

If the Council is minded to approve this application, the previously approved hours of operation should be retained and enforced by the authority.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

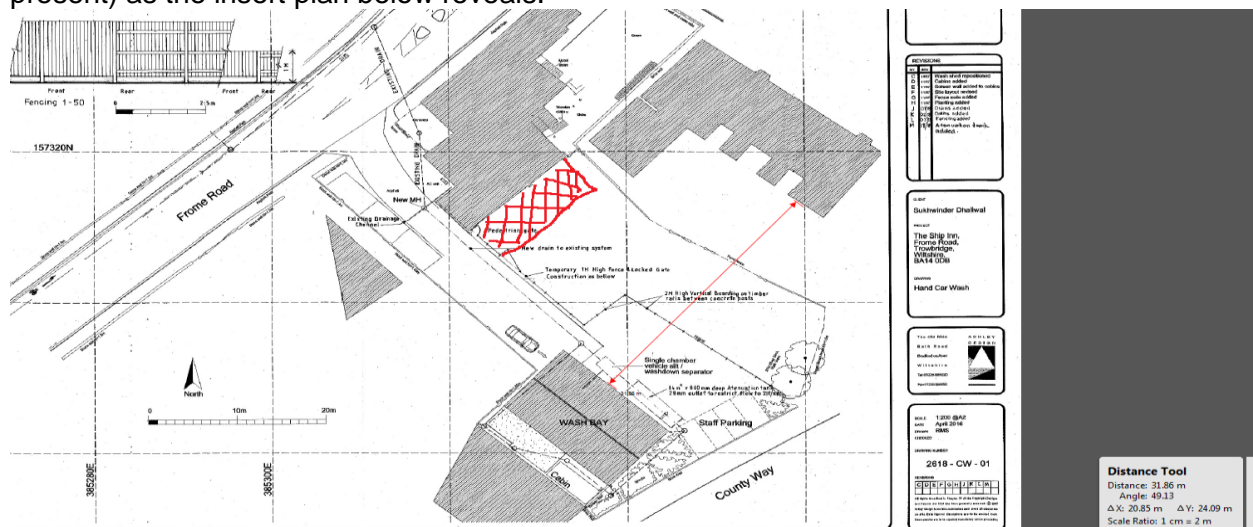
9.1 The Principle of Development – The application site at the former Ship Inn public house car park already benefits from extant planning permission for a car wash and valeting facility. Temporary permission was originally granted under application reference W/09/00138/FUL, which was subsequently granted permanently under W/15/06493/FUL. This allows for a small area of the car park immediately behind the Ship Inn building to be used as a car wash – which continues to operate.

9.1.1 Under para 123 of the NPPF, decision makers are advised to aim to consider developments carefully to “*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; [to] mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; [to] recognise that development will often create some noise and existing businesses wanting to develop in continuance of their businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*”.

9.1.2 The applicant wants to expand his business and intensify the use of the site by increasing the hours and days of operation and create more secure, permanent and better insulated premises through the construction of a bespoke sound proofed building for car washing and valeting in the south-western part of the form pub car park. With extant permission in place for a car wash and valeting facility in place, officers raise no in principle objection to the planning proposal. The input of the Council's public protection team has been pivotal to the case officer's appraisal of the proposed extension of the hours of operation and their expertise on sound proofing and noise impact analysis – which is covered in the next chapter heading.

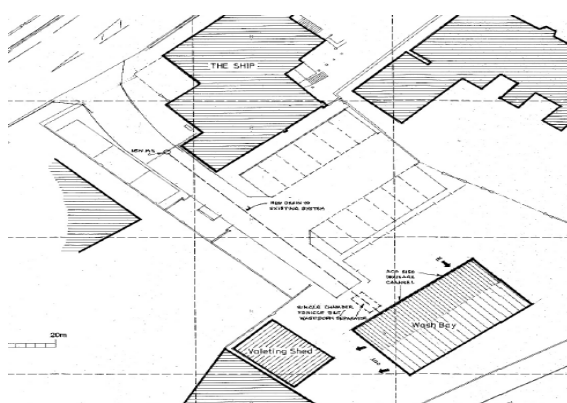
9.2 Neighbouring Amenity Impacts – It is appreciated that the majority of the objections received from neighbours/third parties centred on concern relating to loss of residential amenity through increased noise and disturbance as well as having what is an industrial/commercial operation on a site adjoining neighbouring properties and gardens. This latter point is responded to the previous chapter however, although there are some clear

merits in relocating the existing approved facility 20m+ from the existing residential boundaries and over 30m from habitable rooms within the neighbouring properties (compared to 1-2m at present) as the insert plan below reveals.

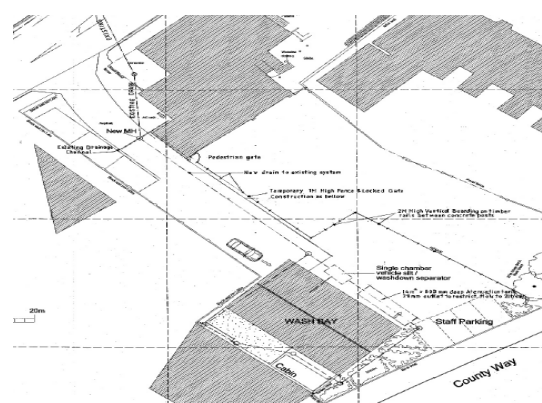


9.2.1 As the insert block plan on the previous page illustrates, the working area associated to the extant approved/operating car wash facility (identified by red hatching) is within close proximity to the boundaries of the nearby residential gardens and the impacts of the ongoing operations on the amenities of the neighbouring residents as expressed through the previous public notification exercises as well as the most recent process, have all been duly noted and appreciated. Indeed it was the impacts on the neighbouring properties which were central to officer discussions and negotiations held with the applicant and his appointed agent(s).

9.2.2 Before appraising the present application, members are advised that officers refused application reference 17/05075/FUL in October 2017 because the proposal comprised an open framed building approx. 6m high to 'house' a relocated car wash/valeting facility in the location as shown in the insert plan reproduced below left and extend the hours of operation to 08:00-18:00 Monday-Saturday and 09:00-18:00 Sunday and Bank Holidays. The 17/05075/FUL would have relocated the car wash facility operations about 10m from the residential boundaries, but this wasn't considered far enough given the proposed extended proposed operating hours; and, officers refused the application citing conflict with WCS CP57 due to adverse impacts on residential amenity as well as a design based objection to the utilitarian wash bay shed that would have occupied roughly half of the site's width.



Refused application 17/05075/FUL



Proposed application 17/12066/FUL

9.2.3 As illustrated in the above right insert, this application seeks to site the car wash facility building in the south-western part of the application site. The building's walls would be constructed from brick and internally lined with plywood incorporating noise proofing thermal

insulation, as would the underside of the roof sheeting. The building would be partially visible from the Newtown Conservation – which is defined by the properties on the northern side of Frome Road. The application is supported by a noise assessment which surveyed the existing operations and calculated the acoustic betterment to be gained from the proposed new building which is set out below:

Location	Proposed Use L _{Aeq(1hour)} dB	Existing Use L _{Aeq(1hour)} dB
NSR1 – 56-60 Newtown	47	57
NSR 2 – 3, 3a, 3b, 3c Frome Road	49	50
NSR 3 – The Ship Inn	56	70

This clearly indicates a decrease in noise levels at the dwellings along Newtown by -10 dB, Frome Road -1 dB and the proposed dwellings within the Ship of -14 dB.

As such the proposed development will have a significant **positive** impact to the residents in the form of noise reduction. This is clearly indicated in our report.

9.2.4 The proposed building would house the car washing and valeting activities and would remove the outdoor operations and spray and nuisance impacts currently experienced by local residents. Having a dedicated enclosed structure that contains that car washing and valeting operations would deliver betterment not only for the workforce but also to local residents. The previous insert which sets out the acoustic value improvements have been fully checked by the Council’s own public protection team and the application is therefore supported.

9.2.5 At the rear of the proposed new building, on its western flank, the proposed single storey addition to accommodate a staff room and cabin would securely house the generators and would be suitably sited away from residential properties, and would create no harm. The proposed car valeting and vacuuming would also take place within this enclosed dedicated area of the building. After careful consideration and close liaison with the Council’s public protection team, it is considered that the mitigation measures being proposed to reduce noise levels, have dedicated areas within the new building for washing and valeting operations as well as siting the building in the south-western part of the site, would deliver mitigation in terms of reducing the impacts upon the residential properties, and to a degree, deliver some betterment.

9.2.6 In addition to the above and at the insistence of the planning officers, the applicant agreed to include within this application a commitment to erect a 2 metre high fence to be erected within the car parking area to sub-divide the site to limit the extent of the associated vehicular movements accessing and exiting the facility in the interests of safeguarding neighbouring amenities and interests.

9.2.7 The current extant approved hours of operation are 09:00 – 18:00 Mondays to Fridays and 09:00 – 13:00 on Saturdays, with the no operations permitted on Sundays and Bank or Public Holidays. The proposal seeks to increase the hours of operation by two extra hours Mondays-Fridays (08:00-19:00) and eight additional hours on Saturdays (also 08:00-19:00). The applicant also wants to offer Sunday and Bank Holiday hours of operation between 10:00 -16:00. The Council’s Public Protection team are in supportive of the proposed expanded hours recognising that the operations would be contained within an insulated sound roofed building sited circa 30m from the housing at No’s 56-60 Newtown; and, no substantive harm would occur to other neighbouring/nearby users; subject to planning conditions defining the terms of the permission and securing the aforesaid mitigation.

9.2.8 It is acknowledged that the proposal would increase the working hours and days at the site, and there would be an intensification of use which may result in a degree of nuisance. However, the negotiated development would not result in significant harm and nor would it conflict with the NPPF, NPSE or the adopted WCS.

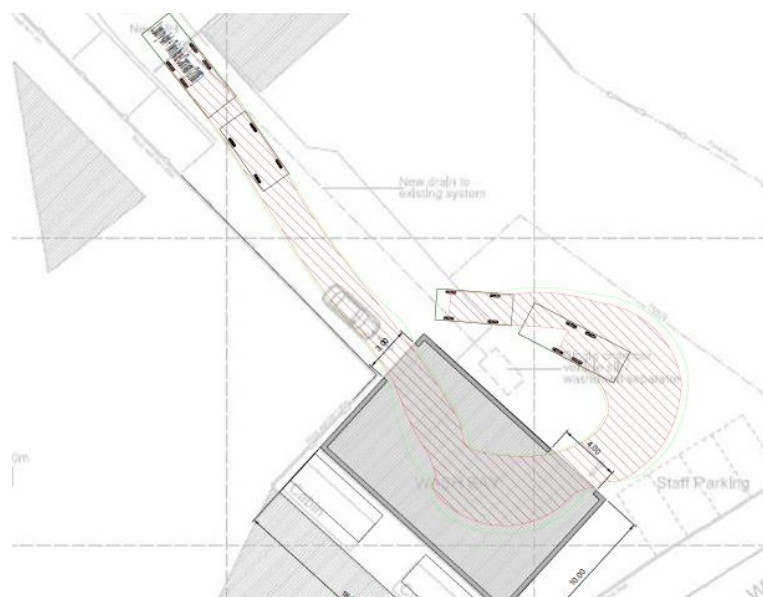
9.3 Impacts on the nearby Conservation Area Heritage Asset – Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.3.1 Representations have raised concern about the impact of the proposed new building to be sited in the south-western part of the site which would be readily visible from the public domain. The proposed building would be sited circa 45 metres away from the edge of the Conservation Area and would only be partially visible in the rear part of the site when viewing the gap between the former Ship Inn and No. 3 Frome Road. The Council's Conservation Officer has appraised the proposals and concludes *"given the distance between the building and the Conservation Area, and that there would be a restricted view to and from the Conservation Area as well as the use of matching brick, it is considered that the proposal would have only a minimal impact on the Conservation Area and that this would not constitute harm"*.

9.3.2 Officers therefore report that the proposed development would accord with the NPPF and WCS in terms of the historic environment.

9.4 Drainage Matters – Wessex Water, the Environment Agency and the Council's drainage team were all consulted on this application and after appraising the submitted site drainage details no objections were raised.

9.5 Highways Safety Interests – The proposed development would utilise an existing vehicular access from Frome Road and also provide staff car parking spaces. The Council's highways officer appraised the application and confirmed having no objections. The application is supported by swept path analysis which shows how vehicles would enter and leave the site and the car wash building, from the existing access, as shown below:



Swept Path analysis showing how vehicles will enter and leave the site.

10. S106 Developer Obligations - A s106 unilateral undertaking is required for this application in order to secure nullification of planning permission 15/06493/FUL.

11. Conclusion (The Planning Balance) – This brownfield site currently benefits from extant planning permission for a car wash and valeting facility. A net betterment would be delivered in terms of relocating the existing on-site operations to the south-western part of the site for the neighbouring residential neighbours of No.56-60 Newtown and having the operation houses within an insulated building. Officers furthermore recommend the necessity to nullify the extant approved permission to avoid the site ending up with two facilities, fully acknowledging that a planning condition cannot nullify a lawfully approved development. However through a s106 unilateral agreement signed by the applicant/site owner(s), the extant car wash planning permission would be legally nullified should the development captured by 17/12066/FUL be implemented. This report has appraised the impacts on residential amenity, heritage assets, drainage matters, and highway safety interests and as set out above, officers conclude that the proposed development accords with the relevant national and local plan policies and planning permission is recommended.

12 RECOMMENDATION: It is recommended that the committee delegates authority to the head of development management to grant permission, following the completion and sealing of a s106 unilateral undertaking to enshrine the applicant's agreement to nullify planning permission 15/06493/FUL, and to bind planning permission under 17/12066/FUL to the following conditions and informatives:

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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The fencing as illustrated on drawing reference 2618-CW-01 Rev M shall be constructed prior to the new car wash and valeting facility being brought into use and shall be retained for the lifetime of the development.

REASON: In the interests of neighbouring amenity.

3. The use hereby approved shall only take place between the hours of 08:00 - 19:00 Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

REASON: In the interests of controlling the use of the site.

4. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

5. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of all fittings as well as the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local

Planning Authority. Thereafter the approved lighting shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

6. The washing, cleaning, vacuuming and valeting of all vehicles shall take place within the designated building at all times.

REASON: In the interests of neighbouring amenity.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan received on 11.12.2017; Drawing number 2618-CW-01 Rev M Proposed site layout received on 20.04.2018; Drawing number 2618-CW-04 Rev E Proposed car wash building received on 15.05.2018; Drawing number 2618-CW-05 Rev A Section of proposed car wash building received on 15.05.2018; Drawing number 1008 sheet 1 of 1 silt/wash down separator received on 15.05.2018; Drawing number 1105-SK01 Swept path analysis received on 11.12.2017

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

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>