

NORTHUMBERLAND

Northumberland County Council

Castle Morpeth Local Area Council Planning Committee 13 November 2017

Application No:	17/00794/COU		
Proposal:	Retrospective - Change of use from petrol station to car wash (as amended 05/09/17)		
Site Address	Lynemouth Service Station, Albion Terrace, Lynemouth, Northumberland, NE61 5SX		
Applicant/ Agent	Mr Dinesh Kohli Burnbrae, Acklington Road, North Broomhill, Morpeth, Northumberland, NE65 9XD		
Ward	Lynemouth	Parish	Lynemouth
Valid Date	25 April 2017	Expiry Date	20 June 2017
Case Officer Details	Name: Mr Ryan Soulsby Job Title: Planning Technician Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		



1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, where applications raise significant planning issues, they are referred to the Head of Service

for consideration to be given as to whether the application should be referred to a Planning Committee for determination. The matter was duly considered under these provisions on 2nd June 2017 at which time it was confirmed that, as the application raises a number of complex planning issues and there is considerable local interest in the proposal, the matter should be determined at the Local Area Council (LAC). A decision upon the application was deferred at the LAC on 19th June 2017 and again on 14th August 2017 to enable further information to be submitted in respect of site screening, car parking, and implantation of drainage systems. Notably, Members were keen to see the details of condition no.3 actioned prior to the determination of the application. Following on from this, further information is now available and the application is in a position to be considered again at the Castle Morpeth LAC on 13th November 2017.

2. Description of the Proposals

- 2.1 The application seeks planning permission for the continued use of a car wash business at Lynemouth Service Station, Albion Terrace, Lynemouth.
- 2.2 It is noted from the submitted details that the previous use of the site was a petrol station, however, this use appears to have ceased over 20 years ago with recent use appearing to be a retail shop upon the land.
- 2.3 The completed application form states that the proposed opening hours for the car wash are 08:30-18:00 Monday to Friday, 08:30-16:00 Saturday and 08:30 to 18:00 on Sundays and bank holidays. These opening times have been assessed within the appraisal below.
- 2.4 The completed application form states that the business would provide employment for 2no part time and 1no full time employees.
- 2.5 The business started operating at the site in early 2017 hence the application being retrospective.

3. Planning History

Reference Number: 17/00797/ADE

Description: Retrospective - Advertisement consent for one banner and one steel plate sign

Status: Pending consideration

Reference Number: CM/20090251

Description: RESUBMISSION: Demolition of petrol station to be rebuilt as 6no apartments with parking and garden

Status: Permitted

Reference Number: CM/20080727

Description: Demolition of petrol station to be rebuilt as 6no apartments with parking and landscaping

Status: Withdrawn

Reference Number: CM/20080175

Description: Change of use from 2no shops to 2no self contained flats and parking spaces

Status: Withdrawn

4. Planning Policy

4.1 Development Plan Policy

Castle Morpeth District Local Plan (2003):

C1 - Settlement Boundaries

LYC1 - Settlement Boundary (Lynemouth)

4.2 Other Documents/Strategies

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014, as updated)

5. Consultee Responses

Lynemouth Parish Council	<p>The Parish Council has formally resolved to object in the strongest possible terms to the retrospective application number 17/00794/COU for change of use from petrol station to car wash at Lynemouth Service Station, Albion Terrace, Lynemouth, NE61 5SX, on the following grounds:</p> <ul style="list-style-type: none"> • Incompatible or unacceptable uses - having a car wash in the centre of the village close to residential properties is an inappropriate location and the area is not big enough to sustain such an operation. • Loss of outlook to the detriment of residential amenity - residents, one of whom runs an adjacent business, have contacted the Parish Council as they have concerns over the detrimental effect on outlook/amenity. • Highway issues: traffic generation, vehicular access, highway safety - parish councillors have grave concerns about the distraction caused to drivers of motor vehicles and the increased generation of traffic/access. • Noise or disturbance resulting from use, including long hours of operation. • Smells and fumes - members of the public/pedestrians passing the car wash are complaining of being sprayed with water and detergent. • Lack of capacity of physical infrastructure in the public drainage or water systems. • Storage & handling of hazardous materials and possible contamination of water systems caused by the use of detergents. • Visual appearance and finishing materials - inadequate means of enclosure; detrimental visual appearance at the main entrance to the village.
Highways	<p>It is considered that the existing development for the change of use from petrol station to car wash located on Lynemouth Service Station Albion Terrace is in accordance with the National Planning Policy Framework in highways terms, and the principle of the development is acceptable, providing satisfactory car parking details, over spray prevention means</p>

	<p>etc. Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.</p>
Public Protection	<p>The Public Health Protection Unit does not object to the proposal providing that the measures detailed in the application documents are implemented as stated and the following observations and recommendations are considered by the Local Planning Authority.</p>

Environment Agency	No response received.
--------------------	-----------------------

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

General site notice, 10th May 2017
No Press Notice Required.

Summary of Responses:

3no objections were received from residents whilst within the 21 day consultation period. The main concerns raised within the objections were opening hours, drainage, amenity of residents, drainage and the retrospective nature of the application. These points have been considered within the appraisal below.

7. Appraisal

7.1 The main considerations in the determination of the application are:

Principle of development;
Impact on visual and residential amenity;
Highways matters.

Principle of Development

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the “saved” policies of the castle Morpeth District Local Plan (2003). The proposal will be assessed under these policies and how they align with the NPPF. Only those in full alignment with the NPPF will be afforded full weight.

7.3 The application site has previously operated as petrol station (approximately 20 years ago) with the site layout of the petrol station partially retained. The site is situated within the Lynemouth settlement boundary with a number of neighbouring businesses located to North East.

7.4 Policy C1 of the Castle Morpeth Local Plan looks at boundaries to identify limits to settlements, which are defined on the proposals map. This site is located within the settlement limits for development, therefore the potential for development on this site complies with Policy C1. Policy LYC1, also of the Castle Morpeth Local Plan also

identifies this application site as a settlement boundary for Lynemouth. In principle, therefore, the proposal is considered sustainable and acceptable in principle, in accordance with the aforementioned policies.

Visual and Residential Amenity

7.5 Following neighbour consultations and the posting of a site notice, 3no. neighbour objections were received, which accompany an objection received by Lynemouth Parish Council. Concerns of the residents and also of the Parish Council made reference to an amenity impact upon the area with the site being located within a prominent position within Lynemouth and also the impact on residents of Lynemouth walking past the site. It is acknowledged that the site is situated within a prominent location, situated adjacent to the main Albion Terrace public highway that runs through the centre of the town, it is not considered that the use of the site as a car wash significantly detracts from the visual amenity of the surrounding area, with this type of use already and increasingly common within town centre and built up locations. (It is noted that concerns have raised regarding the advertisements. These are currently being considered in a separate advertisement consent application (17/00797/ADE)).

7.6 Northumberland County Council's Public Protection team were consulted on validation of the application with a response provided on 24th May 2017. It is detailed within their response that no objection is raised against the application providing the details included within the application documents are implemented with a restriction placed upon the opening times, this being conditioned within any approval. Whilst the opening hours of 08:30-18:00 Monday to Friday and 08:30-16:00 on Saturday are considered acceptable, Sunday hours must be restricted to 10:00-16:00 with no activity at the site on any bank holiday.

7.7 Subject to the implementation of an opening hours condition, it is considered that the change of use on the site accords with the provisions of the NPPF.

7.8 Members raised concerns during the Castle Morpeth LAC on 19th June regarding overspray from the equipment used on site on users of the nearby footpath that runs adjacent to the site. As a consequence, the applicant provided further details to the Local Planning Authority on 27th June confirming that 3no screens would be situated within the centrally located cleaning area of the site. These screens would be approximately 2 metres in height and would restrict any overspray from the equipment used onto the nearby footpath or outside of the application site. It is acknowledged that some spray may still reach the footpaths surrounding the site, however, given the height of the proposed screens, it is considered that the impact of spray escaping to the boundaries of the site would be significantly reduced. The car wash areas are centrally located within the site and not towards the outer edges, further minimising impact.

Highway Matters

7.9 Consultation was originally undertaken with the Highways Authority, who raised no objection to the proposal. It was suggested, however, that in the event of planning permission being granted, appropriate conditions would be required to then be discharged in regards to surface water and car parking. These were duly attached to the original report presented to Members at the LAC on 19th June.

7.10 Notwithstanding this, Members maintained their concerns of these issues being addressed through conditions and requested further information on how these conditions could satisfactorily be met, and deferred the determination of the application until such information had been submitted and considered.

7.11 Following discussions with the applicant, further information was submitted with a view to addressing Members' concerns. The additional plans showed details of the parking arrangement on site detailing 2no parking spaces for completed vehicles, and a further 2no spaces for cars that are in the process of being cleaned. A further 2no spaces were also shown as being located to the West of the site for parking for the shop. This is, however, located outside the red line boundary of the site and does not fall within the applicant's ownership. A re-consultation with the Highways Authority then confirmed that the amended plan showing the revised car parking to be acceptable.

7.12 The application was again presented to Members on 14th August 2017 with this updated Highways response. Alongside this, and at Members' request, Northumbrian Water were also consulted in respect of drainage matters and the adequacy on site to drain the constant water flow from the site operations. Northumbrian Water responded confirming that a trade effluent notice would need to be submitted to Northumbrian Water in regards to any potential drainage into a sewerage network, which was duly reported back to Members at the meeting. By way of a further update, it has since been confirmed that the trade effluent notice has been submitted by the applicant and subsequently granted with Northumbrian Water confirming the drainage details on site to be acceptable.

7.13 Notwithstanding the above, Members at the LAC on 14th August, requested that the application be deferred a second time. The strong feeling amongst Members was that condition no.3 on the previous reports effectively needed to be implemented prior to the determination of the application. Condition no.3 read as follows:

Within 4 weeks of the date of this permission, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details in a timescale to be agreed with the Local Planning Authority, and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water runoff in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

7.14 Notwithstanding the submitted plans detailing precisely how this condition would be fulfilled should the application be approved (plan approved by Highways Authority on 20th September), due to the level of concern raised by Members, further discussions have taken place with the applicant, who has been cooperative in working with the case officer in resolving the issues. In respect of parking, overspray prevention and drainage, the applicant has now implemented these changes, previously required by condition no.3, to demonstrate his intentions to deliver the functions of the business to a high standard with the minimal of impact on the amenity or indeed any passers-by. The applicant is keen to continue to work with the Local Authority to ensure the technical elements of the operations of the site are fit for purpose and fulfill the requirements of the Highways Authority and Northumbrian Water.

8. Conclusion

8.1 This application has been presented to Members previously on two separate occasions for their consideration. On both occasions, Members have deferred the application for further information to be sought, although no objections had been submitted by the statutory consultees.

8.2 The applicant has worked with the case officer throughout the course of the application and has delivered on site, at Members' request, what were originally the requirements of condition no.3. From a planning perspective, the requirements of the scheme to make this acceptable in its entirety, safe and amenity-friendly have been met.

8.3 The application has been considered against the relevant national and local planning policies and other material considerations and it is considered, subject to revised conditions, that the proposed development represents an appropriate form of development and therefore to withhold planning permission would be unreasonable.

Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Location plan (received 1st March 2017)
2. Existing and proposed plans and elevations The Old Post Office – (received 5th September 2017)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

02. The premises shall only be open for business between the hours of 08:30 and 18:00 Monday to Friday, 08:30 and 16:00 on a Saturday and 10:00 and 16:00 on Sundays with no activity on Bank/Public Holidays.

Reason: In the interest of residential amenity and to ensure that the use does not become a source of annoyance to nearby residents, in accordance with the National Planning Policy Framework.

Informatives

1. The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issue of noise and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

Date of Report: 23rd October 2017

Background Papers: Planning application file(s) 17/00794/COU