

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

6<sup>th</sup> June 2007

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/0659/07/F – BAR HILL**

#### **Change of Use of Parking Spaces to Hand Car Wash and Car Valeting System at Tesco Stores, Viking Way for SPP (Southern) Ltd.**

**Recommendation: Approval**

**Date for Determination: 29<sup>th</sup> May 2007**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.**

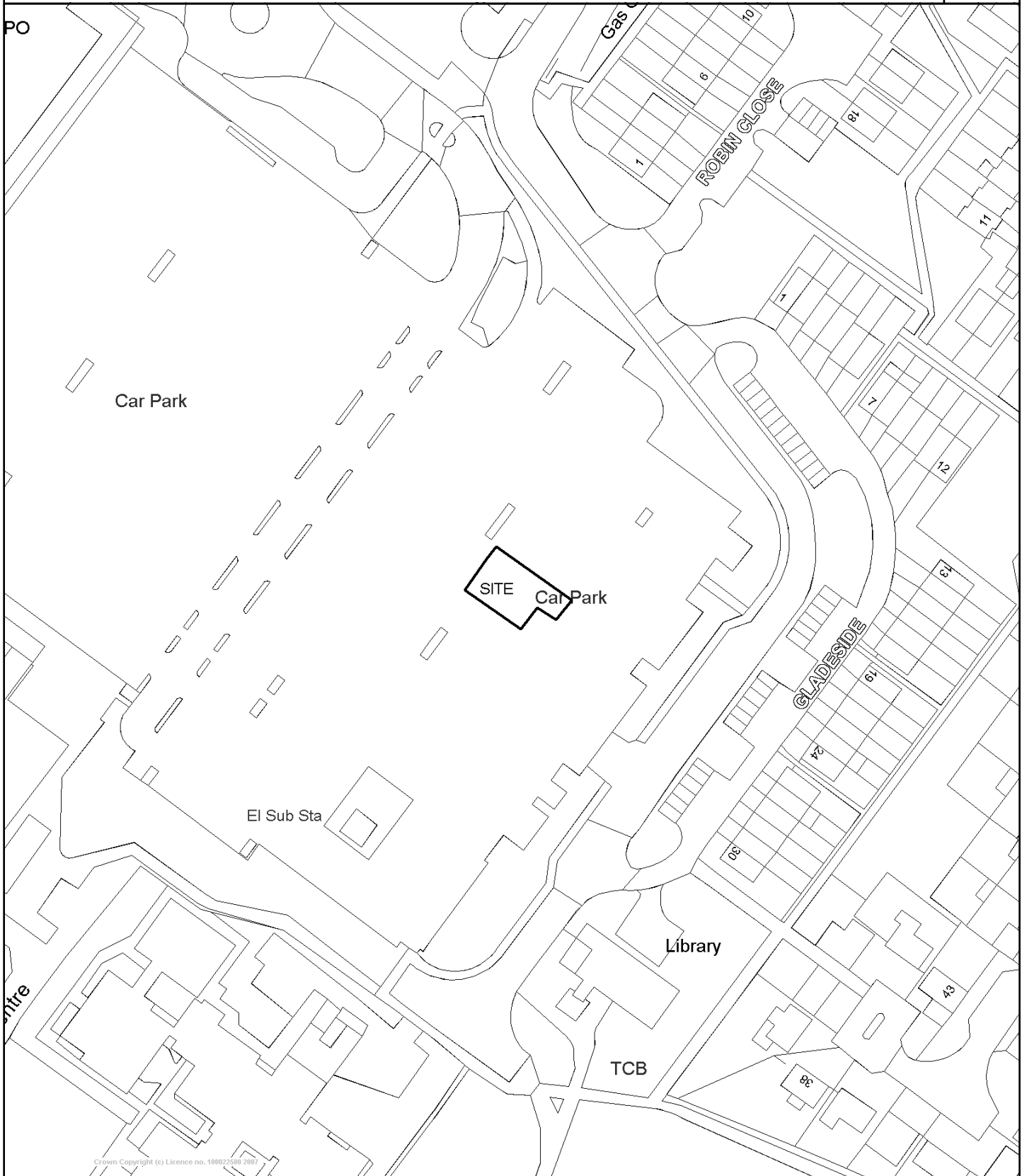
#### **Site and Proposal**

1. The site, located within the car park serving the Tesco Stores and 'New Mall' is positioned centrally within the Tesco Stores Car Park, approximately 130m east from the Tesco Store frontage, 91m north from the boundary with Bar Hill Primary School and 72m west from the nearest dwellings in Gladeside. It consists of 9 parking bays in total. The site is immediately abutted by a number of other parking spaces. A mixture of low level areas of landscaping exist on the car park boundaries, which also includes a number of signs and advertisements within the estate.
2. This full application, registered on 3<sup>rd</sup> April 2007, seeks permission to site a portable building on one parking space and a canopy covering four parking bays to provide an office and a 'dry' bay, with a further 4 'wet' bays for the car valeting operation, resulting in the use of 9 parking spaces in total.

#### **Planning History**

3. Planning permission was refused under reference **S/0137/06/F** for a similar development to the current proposals seeking change of use for valeting operation located on parking spaces immediately adjacent to the shared boundary with the Primary School.
4. The application was refused on the grounds that noise from the operation of power generators and power-operated equipment during day-time hours would be likely to give rise to undue noise disturbance at the school and the general public using the village square contrary to Policy ES6 of the South Cambridgeshire Local Plan 2004 and that the facility would result in the loss to shoppers of nine car parking spaces and spaces in use by vehicles waiting to use the facility, with a resulting shortfall of parking spaces available to the Tesco Superstore and 'New Mall' developments. Enforcement action was subsequently taken against the installation of this equipment on the site. At appeal the Planning Inspector dismissed the appeal and upheld the enforcement notice. The Inspector considered that, when fully operational and because of its location, the use would give rise to an unacceptable level of noise

S/0659/07/F



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disturbance to staff and pupils at the primary school. He did, however, comment that there was no evidence to demonstrate that the facility would generate special trips that would otherwise not occur in the normal operation of the car park and subsequently considered that if a location can be found within the car park where there is no noise sensitive development nearby, a temporary planning consent might provide the opportunity to monitor the use in order to establish whether or not it does give rise to a harmful loss of parking space.

5. Planning permission was refused under reference **S/1826/05/F** for a similar development seeking change of use for valeting operation further towards the main vehicular entrance to the car park that serves the Tesco Stores and 'New Mall' site. The application was refused on the grounds that it was located near the most congested area of the site at a pedestrian crossing of the principal access road through the car park and that it would form an additional distraction to motorists, whilst reducing vehicle and pedestrian visibility around the access road, to the detriment of the safety of vehicles and pedestrians using the car park.

### **Planning Policy**

6. The site is within the village framework.
7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted where there is an unacceptable risk to the quality of underlying ground or surface water.
8. **Policy CS3** of the South Cambridgeshire Local Plan 2004 states that the development of sites where drainage to a public foul sewer is not feasible, will not be permitted if proposed alternative facilities are considered inadequate and would pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of ecological importance.
9. **Policy CS4** of the South Cambridgeshire Local Plan 2004 states that development will not be permitted which poses an unacceptable risk to the quality of the underlying groundwater.
10. **Policy ES6** of the South Cambridgeshire Local Plan 2004 states that the District Council will seek, by the means of appropriate planning conditions, to minimise the impact of noise and pollution on noise-sensitive development arising from any new industrial, commercial or recreational activities.
11. Draft Local Development Framework 2006 **Policy DP/3** states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity; from undue environmental disturbance such as noise, in accordance with Policies NE/16 and on quality of ground or surface water in accordance with policy NE/8.
12. Draft Local Development Framework 2006 **Policy NE/8** reiterates the advice contained within policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 and policies CS3 and CS4 of the South Cambridgeshire Local Plan 2004 which seek to protect the quality of ground and surface water.
13. Draft Local Development Framework 2006 **Policy NE/16** states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development; and that conditions may be attached to any planning permissions to ensure adequate attenuation of noise emissions or to control the noise at source.

## **Consultation**

14. **Bar Hill Parish Council** recommends that the application is refused and comments “this would cause a shortage of parking spaces, as Tesco customers are already using the surrounding streets to park their vehicles. Also it would be too close to the residential area of Gladeside. There would be definite noise pollution as we know this from experience and also there would be a visual impact on the area that would not be in keeping with the street scene.”
15. **Environment Agency** comments awaited at the time of writing this report. For information the Agency was satisfied that the proposed method of disposal of trade effluent was acceptable at the time of the previous application
16. **Corporate Manager (Health and Environmental Services)** comments awaited at the time of writing this report.
17. **Local Highways Authority** comments that “as the proposed provision of a hand car wash and car valeting system within the existing car park is unlikely in itself to generate additional traffic to the site, no significant adverse effect upon the Public Highway should result from this proposal”.

## **Representations**

18. The following concerns/comments were received from the owners/occupiers of 10 Gladeside:
  - (a) Car park is already full at peak times, resulting in grid lock in village – to use 9 spaces for other than parking will only add to problems

## **Planning Comments – Key Issues**

19. The key issues to consider in the determination of this application relate to:
  - (a) The visual impact of the development
  - (b) The impact of the development upon the amenity of nearby buildings
  - (c) The impact of the development on the environment
  - (d) The impact on the safety of users of the car park

## ***The visual impact of the development***

20. The proposed office and canopy are illustrated as being finished in blue, according to the information submitted with the application. Whilst I accept that these structures taken on their own would be quite visible it is important to consider the context within which they are set. The Tesco/New Mall site is a commercial area, with a number of existing advertisements on the adjacent buildings, and particularly the Tesco superstore itself. The applicants, after discussions following the refusal of the previous planning applications have resited the proposed valet operation in response to the inspector's report and the previous reasons for refusal. The structures would be seen with the existing mall and various advertisements as a backdrop, alongside the planting at the external boundaries of the car park site. Given the character of the area and the setting for the structures and the distance of the proposed structures from the residential dwellings I do not consider that the proposed structures will result in undue harm to the character or appearance of what is essentially a commercial area nor would they be overbearing to the nearby dwellings. The applicants have previously stated that the canopy and cabin can be finished in yellow, should the

Authority see fit. However, given the typical colour scheme on the Tesco building this scheme would not appear as being out of character with the area.

***The impact of the development upon the amenity of nearby buildings***

21. The applicants have provided a detailed noise statement, which accompanies the application. The applicants have also made representations to clarify that there will be no generator at the site, as all equipment is run off a 110v power supply. Jet washers will not be required as the water recycling unit is not made to supply jet washers. At the time of compiling this report the comments of the Corporate Manager (Health and Environmental Services) are awaited with regards to noise disturbance and will be reported verbally. However, having repositioned the development approximately 65 metres further from the shared boundary with the primary school, the proposals would appear to have addressed the comments made by the Inspector at the time of the earlier appeal. Furthermore it is again important to consider the context within which the proposed use is set. The car park serving the adjacent retail environment caters for approximately 500 car parking spaces. It is my opinion that the associated vehicular movements within this environment is likely to generate a far greater level of noise and disturbance currently than the use of vacuum cleaners as part of the valet service. Furthermore, given the siting of the use approximately 72 metres away from the nearest dwelling and 130 metres away from the school it is unlikely that the level of noise generated would result in an undue increase in noise disturbance to the surrounding area. I have, however, recommended a condition to control the hours of operation for power operated machinery to ensure that a disturbance does not arise outside the core hours typically associated with the superstore.

***The impact of the development on the environment***

22. The comments of the Environment Agency are awaited at the time of this application and will be reported verbally. However, at the time of the previous application the Agency was satisfied that the proposed method of disposal of trade effluent was acceptable, through the use of a below ground, closed loop system using ACO drains to collect wash water, which would then be passed through interceptors prior to discharge into the normal foul sewer. The applicant's have illustrated that they intend to use this method in the current application. This system would be likely to address previous concerns with regards to dirt and a hazard, as it would facilitate the suitable management and discharge of the dirty wash waters arising from the use.

***The impact on the safety of users of the car park***

23. With regards to the loss of parking spaces the applicants argue that the proposal will actually result in the loss of one parking space, for the siting of the office unit. The applicants have indicated that the remaining parking spaces, although indicated for use within the car valet, will be available for use by shoppers in general. They have described their trade as being generated by shoppers using the store who wish to have their cars cleaned whilst they shop. They have also stated that a 3 hour parking limit has been imposed on the car park in general to prevent drivers using the car park as a stopping point for car sharers and those catching the bus into Cambridge. The inspector also considered the lack of evidence to demonstrate that parking difficulties would occur as a result of the proposed development. As such, and given that no condition exists on the consent for the superstore and car park for the spaces to be preserved as parking there does not appear to be any undue loss of parking facilities. Notwithstanding the comments of the Local Highways Authority, however, in order to enable the Authority to monitor the use in order to establish whether or not it does give rise to a harmful loss of parking space I am proposing that the application

be approved for a temporary period of 12 months initially, in accordance with the comments of the Planning Inspector.

### **Recommendation**

24. Approval with conditions

### **Recommended conditions**

1. SCA (3 Years) – RCA.
2. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30<sup>th</sup> June 2008. (Reason - In order that the effect of the development upon the demand for car parking spaces can be assessed during this period so that any future application can be decided on this assessment.)
3. No power-operated machinery shall be operated on the premises before 08.00 hours or after 18.00 hours on weekdays and Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. – RC26.

### **Reasons for Recommendation**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/2** (Environmental Restrictions on Development)
  - **South Cambridgeshire Local Plan 2004:**  
**CS3** (Foul and Surface Water Drainage)  
**CS4** (Ground Water Protection)  
**ES6** (Noise and Pollution)

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Draft Submission Development Control Policies 2006
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0659/07/F, S/0137/06/F and S/1826/05/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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