

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2317/12/FL – SHEPRETH

Part change of use of land to provide hand car wash service and installation and erection of hard standing, drainage and ancillary structures at Royston Garden Centre for Mr Festim Dara.

Recommendation: Approval

Date for Determination: 2 January 2013

Notes:

This application was considered by the Planning Committee on the 9 January where it was agreed to defer the case in order to seek further information from the Local Highways Authority in respect of the impact upon highway safety.

To be presented to the Committee by Matthew Hare

Site and Proposal

1. Royston Garden Centre is a large commercial garden centre site (A1) located to the south of the village of Shepreth and on the southern side of the A10. The site comprises a large gravelled car park, large internal sales area building and an external display and sales area for plants and such.
2. The site falls outside of the Shepreth Development Framework and therefore within the defined countryside. The site is screened from the A10 by a turfed earth bund.
3. A hard surfaced area is proposed to facilitate the car wash service. It is proposed that the hard surface will collect all water from the washing of vehicles and that this will be filtered and recycled for use. Ultimately should the recycled water become too saturated for re-use then it would be exported off-site for external treatment. A system of three water tanks are proposed and these would be screened by fencing. In addition a small shed building is proposed.

Planning History

4. S/1249/12/FL - Part change of use of land to provide hand car wash service and installation and erection of hard standing, drainage and ancillary structures – refused due to lack of information submitted in order to assess ecological impact and noise and disturbance.

Planning Policy

5. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007**

DP/1 - Sustainable Development

DP/2 - Design of New Development
DP/3 - Development Criteria
DP/7 - Development Frameworks
ET/5 – Development for the Expansion of Firms
NE/15 – Noise pollution
TR/1 - Planning for more Sustainable Travel
TR/2 - Car and Cycle Parking Standards

Consultation by South Cambridgeshire District Council as Local Planning Authority

6. **Shepreth Parish Council** - Recommends refusal on the application as originally submitted, commenting:

Policy ET/5 – Development for the expansion of Firms: *Granting permission for the car wash could establish a non-conforming use and cause problems with traffic, noise, pollution, and other damage to the environment. It also conflicts with other policies:*

Policy NE/8 – Ground water and NE/9 – Water and drainage infrastructure: *Whilst the proposed system recycles wastewater, it is not possible to recycle 100% of it. Surplus wastewater should go to sewerage, but airborne spray with suspended pollutants will land anywhere outside the enclosure. The installation of a septic tank with, or without, an interceptor or separator for this purpose is inadequate, as it will allow cleaning agents, detergents and chemicals from road dirt, salts, etc. to enter the ditch around the garden centre, the Guilden Brook, the groundwater system and local aquifer, which will also adversely affect all associated habitats, fauna and flora.*

Policy DP/3 – Traffic: *The Design and Access Statement indicates that there will be an anticipated 15 – 20 vehicles washed per day depending on demand, with no upper limit. Given that this is an average, it is likely that the greater number of vehicles to be washed and vacuumed will be at the weekend. Given this, the additional number of vehicle movements created at the entrance, which is on a road without a speed restriction, opposite the Lawn Mower centre, two bus stops, Shepreth allotments and just before the bend as the Cambridge Road joins the Old Dunsbridge Turnpike and the A10 would be detrimental to the safety of pedestrians (there is no pavement or street lights along this section of the road), cyclists and other road users. The weekend is also the busiest time of the week for the lawnmower centre, garden centre and Shepreth allotment tenants.*

Policy NE/15 – Noise: *The noise generated by pressure jet washer pumps, vacuum cleaners and waste water tanker lorries would have an unacceptable adverse impact on the indoor and outdoor acoustic environment of the existing dwellings opposite the proposed site in Frog End. The most affected would be those on the east side of the A10 where the backs of the houses and rear gardens are toward the application site; also affected would be the two or three dwellings nearest the A10 on the west side. There would be an even greater nuisance to residents from noise pollution and airborne spray at weekends when the majority of vehicles are likely to be washed and vacuumed.*

Policy CH/8 – Advertising: *Granting permission for the vehicle wash will, inevitably, lead to some kind of advertising visible above the earth bund along the A10. This would be detrimental to the visual aspects of the village at this point and distract drivers as they negotiate the very busy and dangerous staggered junction with Frog End.*

Policy NE/12 – Water Conservation: *The Parish Council consider that, as Shepreth is already served with other established car washes in the local area; one on the A10 at the Foxton level crossing (about 1.50 miles to the north), another at Arrington on the A1198 and two at Royston (Tesco and Murkets) on the Old North Road, a further car wash facility would be contrary to the principle of water conservation and further deplete this*

limited resource.

Finally, the garden centre has seen many changes to its retail aspects over the years. Whilst these additional businesses are retail related, the Parish Council is concerned that by granting a change of use to B1 or B2 for industry or light industry a precedent for other non-retail businesses would be established within the garden centre.

7. **Environmental Health Officer** – Raises no objections having regard to noise and environmental pollution.

8. **Local Highways Authority** – Following member discussion at the January Committee hearing the Local Highways Authority was asked to provide a more detailed response regarding the potential impact upon highway safety including the potential impact of spray from the proposed use drifting onto the highway. The following was provided:

“In relationship to the potential of spray drifting over the A10, though this is possible the likelihood of this having a measureable impact on the safe operation the adopted public highway will I suspect be minimal. I say this as many of the existing hand car washes throughout South Cambridgeshire (and the County as a whole) are located in old petrol filling stations which of course tend to be close to main roads and as far as I am aware there have been no reported issues with spray drifting across the road.

In terms of traffic generation this is more problematic, but from experience of other car washes located in car parks (mostly supermarkets), this type of facility does not tend to generate specific trips to use the car wash, but form part of trip to the existing commercial centre.

Whereas I would not deny that some cars will make a specific trip to the proposed car wash, I would expect that the vast majority of trips to the wash will form part of trip to the Garden Centre as a destination.

Therefore, being able to clearly identify the harm that any specific trips may have on the existing adopted public highway will be difficult at best.”

9. **Environment Agency (EA)** – Raises no objection, commenting:

The Agency has no objection, in principle, to the proposed development. Advising that the proposal for capturing and containing dirty water (trade effluent) from the car wash is adequate providing that the tanks are watertight, and emptied and maintained appropriately.

Trade effluent shall not be discharged to a septic tank; no part of the car wash operation shall be discharged to the septic tank.

The applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer. Any pollution to the water environment arising from the development may result in prosecution.

10. **Ecology Officer** - Raises no objections, commenting ‘the drainage plan appears to confirm that all effluent from this operation will be self-contained’.

11. **Economic Development Panel** – Supports the proposals.

Public Consultations by South Cambridgeshire District Council as Local Planning Authority

12. 3 letters of representation received from the occupants of nos.120 & 124 Frog End, objecting to the proposals for the following reasons:
- Flood Risk
 - Harm to highway safety
 - Dispute employment benefits
 - Noise and disturbance
 - Harm from advertising
13. 2 Letters of representation received from Cllr Soond raising the following concerns (attached as appendices):
- Harm to the Shepreth Conservation Area
 - Contamination of local water course
 - Harm to ecology of area (Otters) from contamination of water course
 - Tree impacts
 - Visual impact
 - Potential harm from external lighting
 - References to the reasons for various conditions on previous consents relating to the wiser site concerning; amenity, character and appearance and use

Material Planning Considerations

14. The key issues to consider in this instance are the principle of development, the impact upon residential amenity, highway safety, character and appearance, environmental pollution and ecological impacts.

Principle of Development

15. The National Planning Policy Framework at para 28 is clear that Local Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas. The proposed use is that of a car wash facility which is a sui generis use class. Whilst the use is not considered to be ancillary to the Garden Centre it is incidental to the current use of the existing site as it will rely upon visiting members of the public using the service. In this regard the proposals are not anticipated to generate a significant number of additional trips over the intensity of the current site, it could be comparable to the car wash facilities that one finds in supermarket car parks. As such the development is considered to be sustainable and providing there is no other serious harm the scheme should be supported.

Residential Amenity

16. Representation received from members of the public, the Parish Council and the Local Member for the Shepreth raise concerns for noise and disturbance impacts arising from the proposed car wash operation. However the Council's Environmental Health Officer (EHO) does not consider that there is any potential for the proposals to cause a statutory nuisance to the surrounding residential areas. In reaching this conclusion the EHO has had regard to para 5.2 of the applicants Design and Access Statement which confirms the specific jet wash and Hoover to be used, both of which are equivalent to domestic models in terms of noise output.

17. Furthermore the proposed car wash site is located approximately 100-140m to the west/south west of the nearest residential dwellings and Officers note that ambient noise levels from the highway and garden centre are relatively high at present. As such it is not considered that the level of noise generated by the pressure wash and vaccum would not cause significant harm to residential amenity.
18. The application specifies the intended hours of use. These are not considered by Officers to fall within anti-social hours however it is considered reasonable and necessary to apply a conditional requirement to any consent limiting the hours of use to those specified.

Character and Appearance

19. The existing site comprises a large garden centre sales building, external sales area and substantive aspects of gravelled car parking, the sales building is set back from the boundary with the highway (A10). The proposals comprise a utilitarian shed and tall fencing to screen the proposed holding and filtration tanks and would be sited in a location close to the highway. The structures are a maximum of 2.6m tall and as such would be afforded some screening from the existing bund that runs along the frontage of the site. It is possible that some views of the fencing would be afforded over the bund. Additional soft landscaping could mitigate this, but in the context of the wider site officers are reticent to recommend to the committee that a soft landscaping scheme be applied as it's difficult to justify. Members will also note that application ref S/2025/12/FL that was heard at the December Planning Committee to which members resolved to apply a landscaping condition to seek additional screening to the site frontage.
20. There is not considered to be significant adverse visual harm as a result of the proposals.

Environmental Pollution & Ecology

21. When contending with the original development of the site the original application established the restoration of a large on-site pond and provision of a wildflower meadow, there is also believed to be an Otter Holt in the local water environment that forms part of the garden centre site.
22. The Council's Ecology Officer advises that the restored and created habitats should not adversely effected by this application due to the fact that all effluent from the operation will be self-contained.
23. The Parish Council raises concerns for airborne spray, including cleaning agents, from the service falling upon the wider site and entering the local watercourse. The amount of water falling in such a manner is unlikely to be substantial. Regardless the information submitted to accompany the proposals demonstrates that the three cleaning products proposed to be used; class clean, wash & wax and in car cleaner are all 'non-hazardous'.
24. Having regard to the above Officers are satisfied that the applicants have now reasonably demonstrated that there would be no harm to the local environment from pollution. The comments received from the Environment Agency are accepted and will be worded as a condition and an informative. In addition it is considered necessary to apply a condition that does not allow the car wash use to be carried out unless the recycling system is operational.

Highway Safety

25. Concerns are raised for the intensification of the site with regard to highway safety and also for the impact of airborne spray hitting cars on the A10. The Local Highways Authority has commented on these matters and advises that it would be difficult to identify any additional harm to the existing adopted highway.
26. Having regard to the views of the LHA there is not considered to be any sustainable reasons for refusal on the grounds of highway or pedestrian safety.

Further Considerations

27. Concerns are raised by the Parish Council, local residents and local member regarding surplus signage and flood risk. None of those matters raised are material to the proposals under consideration.
28. Cllr Soond raises concerns for the impact upon trees and the character and appearance of the Shepreth Conservation Area. However, no trees are affected and the site lies well outside the conservation area. Thus these matters do not form a material consideration of the case at hand.
29. Cllr Soond raises concern for external lighting impact. No external lighting is proposed and a condition limiting only external lighting approved by the authority is considered reasonable in this instance.
30. Cllr Soond makes reference to the reasons for conditional requirements pertaining to a number of previous applications on the site. These references are a bit anomalous but relate to matters that have been included in the above discussion, namely residential amenity and visual impact.
31. The Parish Council raises concerns for the change of use of the site to B1 or B2. The application does not propose such a change, the car wash use is sui generis as confirmed above.
32. The Parish Council raises the question of need given the presence of other car washes in the area, this is not material to the case at hand as the fact that the development proposal has been made is sufficient to demonstrate need. The Parish Council suggests that over provision of car wash facilities would be detrimental to water conservation. Given the proposals to recycle water by the scheme at hand it is not considered that there would be any substantial harm in planning terms regarding water conservation.

Conclusion

33. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

34. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Conditions

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans & documents: 286/12/01, 286/12/02b, 286/12/03, 286/12/04, 286/12/05, 286/12/06, Health and Safety Data Sheet 7GLCN, Health and Safety Data Sheet 7WWAX & Health and Safety Data Sheet 7INCA**
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990 and to ensure that only non-hazardous cleaning products are used.)
- 3. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.**
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
- 4. Trade effluent shall not be discharged to a septic tank; no part of the car wash operation shall be discharged to the septic tank.**
(Reason – In the interests of minimising potential environmental pollution)
- 5. The car wash use, hereby approved, shall only be carried out at such time as the water recycling system approved by the application has been installed and is fully operational. At no time shall the car wash use operate should the water recycling system not be operational.**
(Reason - To minimise environmental pollution and harm to the ecology of the area in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
- 6. The use, hereby permitted, shall not be operated on the premises before 0800 am on weekdays and Saturdays or before 1030am on Sundays and Bank Holidays nor after 18:00pm on weekdays and Saturdays or after 16:30pm on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.**
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted January 2007)

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