Planning Statement

Star Garage, Pontefract Road, Cudworth

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1.0 Introduction

This planning statement has been prepared to support the following planning application:

> *Removal of the existing canopy, associated with the former use of the site as a petrol station (sui generis) and the re-organisation of the site to create 3 car washing bays, new boundary treatment and landscaping to create a new hand car wash and valet centre (sui generis).*

This statement provides a detailed assessment of the proposals in relation to planning policy and other material planning considerations.

This statement is set out under the following headings:

Section 2: provides a description of the application site and the surrounding area;

Section 3: outlines the relevant planning history of the site;

Section 4: provides an outline of the proposals:;

Section 5: examines the main planning considerations in respect of the proposals, namely:

- Principle of proposed use;
- Design Considerations;
- Residential Amenity;
    - Noise;
    - Outlook;
    - Spray Drift

Section 6: draws out conclusions in respect of the proposals.

2.0 Site and Surroundings

The application site comprises a former petrol station (0.086ha) which ceased operation in 2005, was subsequently used unlawfully as a hand car wash by a previous occupant, and now stands vacant. The site is laid to hard standing. A small single storey brick building situated at the southern part of the site and a large canopy remain as evidence of its former use.

The site fronts Pontefract Road to the West, the rears of residential properties fronting Intake Road to the North and East, and a vacant plot to the South. The site has an open boundary to Pontefract Road and a mix of a low-rise fence and high screen to the rears of the residential properties to the North and East. Existing trees are also situated at the site boundary with the residential properties.

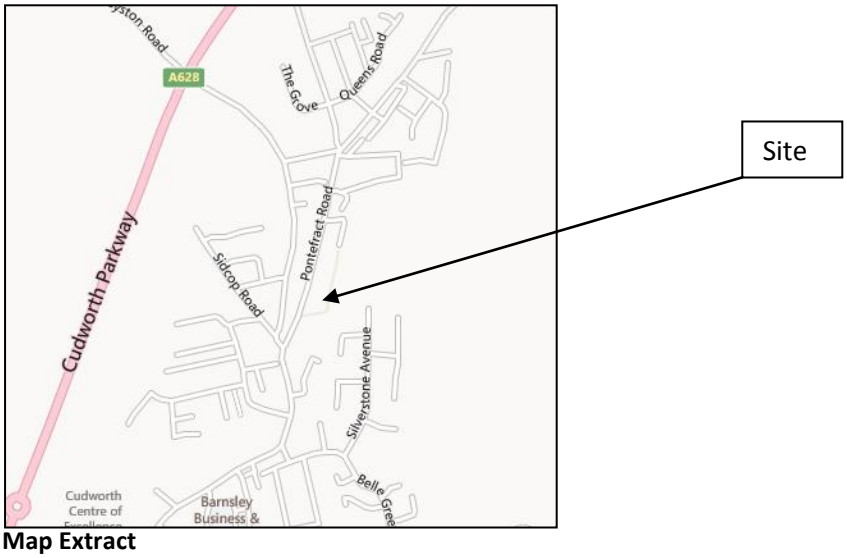
The site has a degraded appearance and has been subjected to graffiti. It is understood there has been a history of antisocial behaviour associated with the property.

Application Property (from Pontefract Road)

Evidence of graffiti

Aerial View showing approximate site boundary

As per the map extract below, the property is situated in Cudworth, fronting the Pontefract Road which is part of the Council's Strategic Road Network. This road links to the A628.



Map Extract

The property is within a designated Housing Policy Area in the Unitary Development Plan Proposals map.

3.0 Planning History

The relevant planning history for the property is set out below:

In October 2012 an appeal was dismissed for, *'Change of use from petrol filling station (sui generis) to hand car wash (sui generis)'* [LPA ref: 2011/1553]

The Inspector did not state any objection to the principle of the proposed use, however on the evidence submitted was concerned about the potential impact on neighbouring amenity and the appearance of the development. The summary of the inspector's key concerns from the decision notice are set out below:

- There was insufficient evidence that the proposed increase in height to the boundary fence would protect neighbouring properties from spray drift. Any significant increase in the height of the fence along the eastern boundary would also be likely to raise additional issues in respect of living conditions (outlook);

- The level of detail submitted was not sufficient to ensure that concerns regarding noise generated by the equipment associated with the proposed use could be overcome satisfactorily;

- It was accepted that the proposed development may not give rise to complaints from residents despite the similarities with the previous unauthorised use and that problems with vandalism and other antisocial behavior currently associated with the site might be overcome satisfactorily;

- The proposed Perspex screen would appear alien in the street scene;

- On the evidence submitted, the Inspector concluded that it was not demonstrated that the development would not create a level of disturbance

from noise and water spray drift sufficient to cause harm to the living conditions of local residents, contrary to saved policy HB8 of the Barnsley Unitary Development Plan, 2000 and Policy CSP40 of the Barnsley Local Development Framework Core Strategy (2011) and the guidance in the NPPF which recognises the need to secure a good standard of amenity for all existing and future occupants of land and buildings.

- The Inspector concluded that although the proposed development would bring a site that is currently unkempt and subject to vandalism back into use, this did not overcome concerns regarding the detriment the development itself would cause to the character and appearance of the area. The Inspector considered that this was contrary to Policy CSP29 of the Core Strategy which requires development to help transform the character of physical environments that have become run down, and the guidance in the NPPF which seeks to enhance and improve the places in which people live their lives and secure high quality design.

In November 2010 planning permission was granted for, '*Modifications to site to re-open former petrol station with additional jet wash/vacuum facilities.*' [LPA ref: 2010/1167]

In May 2010, planning permission was refused for, '*Change of use of former petrol filling station to hand car wash'* [LPA ref: 2010/0304]

In August 2008, planning permission was refused for, '*Change of use of former petrol filling station to car wash including the construction of two enclosed booths and boundary fencing'* [LPA ref: 2007/0711]

In December 2006, planning permission was refused for, '*Change of use of Petrol Filling Station to car wash and use of former shop to taxi booking office*' [LPA ref: 2006/1718]

In July 2005, outline planning permission was granted for, '*Residential Development'* [LPA ref: B/05/0115/CU]

In August 2004, planning permission was refused for*'Demolition of existing buildings and erection of an A1 retail unit.'* [LPA ref: B/04/1455/CU]

4.0 Proposed Development

This application seeks the change of use of the vacant former petrol garage to a car wash and valet centre (Sui generis).

In order to address the Inspector's concerns in relation to the 2012 dismissal, the following amendments/ additional information form part of this application:

- Removal of the existing canopy associated with the former petrol station on site.
- Following a Noise Report undertaken by Watermans, 1.8m high close boarded acoustic timber fences have been incorporated on the northern and eastern boundaries of the site to protect the neighbouring residential properties from noise generated from the development.

- New 1.8 high close boarded acoustic timber fence to the Pontefract Road frontage to protect neighbouring amenity from noise and to improve the visual appearance of the property (removal of previously proposed Perspex screen);

- New shrub planting has been incorporated at the south-west corner of the site to improve the appearance of the site at the corner of Intake Lane, a part of the site which is highly visible in views along Pontefract Road;

- Relocation of proposed car wash area to three dedicate bays in a line at the centre of the site and away from the residential properties with 1.8m high Perspex screens between each of the proposed bays to contain spray within the site. Each of the three bays will have a dedicated jet wash point.

5.0 Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application shall be in accordance with the development plan, unless material considerations indicate otherwise.

In this case the development plan comprises the National Planning Policy Framework (adopted March 2012), the saved policies of the Barnsley Unitary Development Plan (adopted 2000) and the Barnsley Local Development Framework Core Strategy (adopted September 2011).

The Yorkshire and Humber Regional Spatial Strategy to 2026 (adopted May 2008) was revoked by the Secretary of State in February 2013.

As part of the LDF process, the Council is currently undertaking public consultation on the Development Sites and Places DPD. The consultation draft 'Summer 2013' designates land to the east of Intake Lane for new housing development.

The following guidance is also relevant:

- Supplementary Planning Guidance 18 (Walls and Fences) – adopted May 2003;
- Residential Amenity and the Siting of buildings Supplementary Planning Document – adopted March 2012;
- Parking Supplementary Planning Document – adopted March 2012

6.0 Planning Considerations

The following key planning considerations are considered to be as follows:

<u>1. Principle of proposed use</u>

Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

At Paragraph 17 of the NPPF it is stated that planning should:

Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

Paragraph 19 of the NPPF states that:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 2.12 of the UDP states that a main influence of UDP strategy is the loss of Barnsley's main industry, coal mining and the effect on local communities; and the need to restructure the economy and provide jobs for all those seeking work.

Paragraph 2.33 of the UDP sets out the strategic objective of the UDP to concentrate development where it will provide employment opportunities for local communities, reduce journey to work distances, link to public transport and lorry routes, and use derelict, degraded or vacant land.

UDP Policy ED9 states that the conversion of existing buildings to employment uses will be encouraged subject to consideration of the impact on residential amenity, visual amenity and highway safety and subject to compliance with any other policies in the plan, which are material to the proposal.

Paragraph 9.3 of the Core Strategy identifies one of the challenges for the borough is developing the Barnsley economy to meet local needs and to provide local job opportunities. A further challenge is building on economic progress over the last 10 years and addressing entrenched problems of worklessness by creating a more diverse range of employment development and employment opportunities.

Paragraph 9.5 of the Core Strategy identifies as one of the challenges for the borough to develop the Barnsley economy to meet local needs and to provide local job opportunities.

Paragraph 9.99 states that, '*taking account related factors such as commuting and ongoing change, to address an employment gap of some 10,000 jobs the Growth Plan sets targets of creating a net additional 15,000 jobs and a net additional 1,550 VAT registrations. Increasing the number of VAT registered companies is the major challenge to growing the economy to a size equivalent to towns of similar size and circumstances and achieving essential economic transformation and job outputs.*'

Core Strategy Policy CSP 19 (Protecting Existing Employment Land) states that existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs.

The Inspector raised no objection to the principle of the proposed car wash/ valet centre use in the September 2012 appeal decision.

Although the site has outline planning permission for residential development (granted in 2005), none has been forthcoming due to low residential values in the area and the high costs associated with redeveloping such a site (with a previous use as a petrol station likely to be highly contaminated). As set out within the planning history section, there have been numerous applications over the years to bring the site back into commercial use. Therefore as per the emphasis within the NPPF (paragraphs 17 and 19) on taking account of market signals and the need to support economic growth, it considered appropriate for the proposed use be considered for the site.

The proposed car wash and valet centre will bring a vacant and degraded site back into commercial use, creating local job opportunities (2 full-time and 4 part-time positions) to help address worklessness in the borough. The estimated employment is in excess of the employment generated by the former petrol station use which, in any event, ceased 8 years ago. The development will therefore comply with paragraph 2.12 of the UDP, paragraph 19 of the NPPF, the aim of Core Strategy Policy CSP19 to safeguard existing or potential jobs and paragraphs 9.3 and 9.5 and 9.99 of the Core Strategy.

The property is in a sustainable location for the proposed use, fronting onto the strategic highway and benefiting from existing bus routes along Pontefract Road. The existing crossovers can be used from the site's former use as a petrol station. As set out in detail under the sections below, careful consideration has been given to ensuring that concerns regarding impact on residential amenity have been addressed, and to ensure that the visual appearance of the development will enhance the character and appearance of the area. It is therefore considered that the proposed use is sustainable development in compliance with paragraph 14 of the NPPF, and will comply with UDP Policy ED9 and paragraph 2.33 of the UDP.

<u>(2) Design Considerations</u>

At Paragraph 17 of the NPPF it is stated that planning should:

> *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

Paragraph 56 states that:

> *The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

Paragraph 64 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69 of the NPPF states that planning policies and decisions should aim to create places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

UDP Policy BE5 states that the Council will seek to enhance the environmental quality of existing housing, commercial and industrial areas.

Core Strategy Policy CSP 29 (Design Principles) states that development should:

- *contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment;*
- *help to transform the character of physical environments that have become run down and are lacking in distinctiveness*
- *enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people contribute towards creating attractive, sustainable and successful neighbourhoods*

SPG 18 (Walls and Fences) advises that quality timber fencing will usually be appropriate in urban and suburban areas.

Following the 2012 appeal decision, the design of the scheme has been amended to ensure that the proposed use will have a high quality visual appearance that will result in a positive contribution to the street scene.

The existing appearance of the site is low-grade and run down. The site is insecure and has attracted antisocial behavior and vandalism in close proximity to residential properties. The proposed application presents an opportunity to significantly improve the appearance of the site and create a safe environment reducing opportunities for crime and disorder. The site will be brought back into active use and made secure to prevent its use for antisocial behavior. This will comply paragraph 69 of the NPPF and Core Strategy Policy CSP29.

The proposals would result in the removal of the existing canopy on-site which is unsightly and out of character with the surrounding area, as highlighted by the Inspector in the appeal decision. The removal of this would have an instant positive effect on the appearance of the site and its impact on surrounding properties.

The appeal scheme incorporated a Perspex screen measuring 2m high along the site frontage to prevent splash, which the appeal Inspector considered to be alien in the street scene. This has been removed within the current application to provide a 1.8m close boarded timber fence (with teak finish or similar) along the Pontefract Road boundary, with splash to be contained by Perspex screens within the site which will not be visible above the timber fence.

A 1.8m close boarded timber fence is also proposed along the northern and eastern residential boundaries, replacing the yellow fencing, which will create an attractive and improved outlook from these properties, screen the proposed development and provide improved security to these properties.

The proposed timber fence along the site frontage will relate more successfully to the street scene, which on this part of Pontefract Road is characterised by a run of timber fencing at the rears of residential properties, as demonstrated in the photograph below. The provision of timber fencing is also in accordance with SPG18.

New shrub planting is proposed at the south-west corner of the site. This part of the site is very visible in views along Pontefract Road and is currently of a very low-grade appearance. Planting is also proposed along the Northern and Eastern boundaries in front of the proposed timber fencing. This will result in a positive enhancement to views along Pontefract Road and into the site.

The appearance of the proposed development has been carefully considered to enhance the appearance of the site, contribute positively to the neighbourhood, contribute to the improvement of the environmental quality of the area and create a safe environment to comply with Paragraphs 17, 56, 64 and 69 of the NPPF, UDP Policy BE5 and Core Strategy Policy CSP29.

(3) Residential Amenity

The NPPF states that planning should always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of planning conditions.

UDP Policy ED4 states that proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity in terms of:

a) air pollution including smell, fumes, smoke, soot, ash, dust or grit;

b) noise from operations on, or traffic entering or leaving the site;

c) visually intrusive buildings, plant, fencing, lighting or outside storage

The Council's 'Residential Amenity and the Siting of Buildings' SPD requires care to be taken over the siting of buildings, especially those close to existing buildings or common boundaries as their proximity may result in an overbearing outlook. The SPD states that making the best use of site characteristics, changes in level and the retention of mature trees and shrubs will greatly assist the potential for achieving satisfactory outlook.

The SPD states that the type and height of screen fencing or walls on boundaries with existing residential development can help protect residential amenity and are likely to be required as part of the scheme unless other boundary treatment exists or is proposed.

The SPD explains that that the Council will expect any mature trees or hedgerows on the site to be incorporated into the design and layout of the development and retained wherever possible, for their visual, ecological and amenity protection value.

The SPD states that consideration should be given at an early stage as to whether landscaping can assist in maintaining residential amenity. Any scheme should be designed to help the development fit into its surroundings and soften its visual impact. The planting of trees, hedges and shrubs can improve the appearance and help to protect the amenity of existing adjacent residents.

(i) Noise

In relation to the 2012 appeal scheme, the Inspector's key concern in relation to noise was the lack of evidence regarding the noise generated by the equipment used for the washing and valeting of vehicles and therefore lack of evidence that this could be mitigated.

In the attached appeal decision (Appendix 1) which allowed an appeal for change of use of yard/storage space to hand car wash in Dartford, Kent [ref: APP /T2215/A/12/2176086], the Inspector did not consider a hand car wash to be an intrinsically noise generating business and stated that any unacceptable noise nuisance could be avoided through the imposition of conditions on the hours of operation.

However in order to address the Inspector's concerns in this instance, the applicant has commissioned a noise assessment from Watermans. The methodology of this assessment has been agreed with the Council's Environmental Health Officer and the assessment concludes that the mitigation measures incorporated into the design will ensure that the proposals will comply with the Council's noise requirements during the proposed weekday and weekend hours.

The Noise Report forms part of this planning application and the applicant is happy to discuss appropriate conditions which set out the hours of operation and any other mitigation measures the Council may consider appropriate.

The proposal will therefore not result in any adverse impact from noise to comply with paragraph 123 of the NPPF and UDP Policy ED4.

(ii) Outlook

In relation to the 2012 scheme, the Inspector raised the concern that the need to protect the adjoining residential properties from potential spray could result in a fence which is overbearing at the rear gardens of the residential properties. This related to a concern that the existing 3m high fence situated along part of the northern and eastern boundaries would be continued along the boundary.

The fence proposed as part of this application will be just 1.8m in height at the boundary of the site to the north and east. This is slightly below the 2m height allowed by Part 2 Class A of the permitted development order for an enclosure not fronting a highway.

The proposed timber fence will provide an acceptable outlook at the boundaries of the residential properties and will not appear overbearing. As per the guidance in the SPD, the existing trees on the boundary will be retained.

It will therefore comply with the NPPF and the guidance within the Council's 'Residential Amenity and the Siting of Buildings' SPD

(iii) Spray Drift

The provision of Perspex screens to contain the spray within the site, rather than at the boundary and the re-siting of the car wash area to three bays along the centre of the site will ensure that the neighbouring properties will be protected from spray drift.

(4) Highways

The property is situated on the strategic road network and has historically been in commercial use. The former petrol station use could be reactivated without the need for planning permission.

The proposed car wash will use the existing crossovers and will generate less traffic than the former petrol station use.

The appeal inspector raised no concern with respect to highways considerations.

7.0 Conclusions

The proposal will bring a vacant and degraded commercial property back into active use to create local job opportunities in a sustainable location to comply with the emphasis within the NPPF (paragraphs 17 and 19) on taking account of market signals and the need to support economic growth, paragraphs 2.12, 2.33 and Policy ED9 of the UDP and paragraphs 9.3, 9.5 and 9.99 of the Core Strategy.

The appearance of the proposed development has been carefully considered to enhance the appearance of the site, contribute positively to the neighbourhood, contribute to the improvement of the environmental quality of the area and create a safe environment to comply with Paragraphs 17, 56, 64 and 69 of the NPPF, UDP Policy BE5 and Core Strategy Policy CSP29.

The mitigation measures incorporated into the design, which have been informed by the accompanying Noise Report, will ensure that there will be no adverse impact from noise to comply with paragraph 123 of the NPPF and UDP Policy ED4.

The boundary fence to the neighbouring residential properties will be timber and 1.8m in height to ensure that there will be no harm to the outlook from these properties to comply with with the NPPF and the guidance within the Council's 'Residential Amenity and the Siting of Buildings' SPD.

Spray drift will be contained within the site to ensure it does not cause harm to the amenity of the neighbouring properties to comply with the general requirement of the NPPF to ensure a good standard of amenity.

There will be no increase in traffic generation as compared to the previous petrol station use.