

# Planning and Regulatory Committee 14.12.16

## SECTION 2

<b>APPLICATION NO:</b> 16/P/2225/F	<b>CASE OFFICER:</b> Julie Walbridge
<b>APPLICANT:</b> Gertlush Ltd	<b>Extended expiry date:</b> 16 December 2016
<b>PARISH/WARD:</b> Nailsea/Nailsea Yeo <b>WARD COUNCILLOR(S):</b> Cllr Mrs M Blatchford	<b>TARGET DATE:</b> 28 October 2016
<b>SITE ADDRESS:</b> Car Park Area, Crown Glass Shopping Centre, Crown Glass Place, Nailsea, BS48 1RD	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 2

7. **Section 2: 16/P/2225/F** Change of use of five car parking spaces to hand car wash area at Car Park Area, Crown Glass Shopping Centre, Crown Glass Place, Nailsea, BS48 1RD

**REFERRED BY COUNCILLOR MRS BLATCHFORD**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site is located within one of the main car parks that serve Nailsea Town Centre.

**The Application**

Full permission is sought to the use of five parking spaces for a car wash service and to install new drains to the main foul water outlet.

**Relevant Planning History**

None.

**Policy Framework**

The site is affected by the following constraints:

- Within the Nailsea Town Centre

**The Development Plan**

**North Somerset Core Strategy (NSCS) (adopted April 2012)\***

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS3	Environmental impacts and flood risk management
CS11	Parking
CS12	Achieving high quality design and place making
CS31	Clevedon, Nailsea and Portishead

**\* Core Strategy - High Court Challenge**

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also

## SECTION 2

remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies has taken place and the Inspector's report received.

### North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

The following saved policies are particularly relevant to this proposal:

### The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM9	Trees
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM60	Town centres

### **Other material policy guidance**

### National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

10	Meeting the challenge of climate change, flooding and coastal change
----	--

### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)

### **Consultations**

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 35 letters of objection have been received. The principal planning points made are as follows:

## SECTION 2

- Loss of 5 parking spaces.
- Noise and disturbance
- Requirement of additional structures for storage and rest room
- The use of detergents and chemicals

**Nailsea Town Council:** “Recommend refusal on the grounds of the loss of car parking spaces”.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development, (2) loss of parking, (3) drainage (4) noise and disturbance, and (5) setting of a listed building.

#### **Issue 1: The principle of development**

It is considered that there is a need for planning permission as there will be a change of use of 5 parking spaces to a car wash facility and the installation of a drainage channel which is considered engineering operation. Policy DM29 states that traditional shopping and employment centres need sufficient parking to ensure their vitality and viability in face of out of centre competition. Re-development of car parks that would result in the reduction of off-street car parking spaces will only be permitted subject to specific criteria (see below). In particular, any resulting increase in on – street parking should not unacceptably harm the character of the area, highway safety or the effective operation of the surrounding highway network.

The loss of 5 parking spaces is therefore acceptable in principle provided that it would not impact upon the viability and vitality of the Town Centre or result in a highway safety or an unacceptable harm to the character of the area and accords with other relevant matters within the local plan and in accordance with Policy DM29 of the Sites and Policies Plan (part 1). These issues are addressed below.

#### **Issue 2: Loss of car parking**

The proposal is to use 5 parking spaces for a car wash facility. The applicant’s intention is to provide a car wash facility for the users of the car park so that whilst the car owner is shopping, the cars can be washed and valeted.

Given the nature and scale of the use the proposal will not have an adverse highway impact and is unlikely to cause an increase in the peak hour. The development will occupy 5 car parking spaces, however these spaces will still be available for customers of Crown Glass Shopping Centre. Therefore this development is unlikely to have a significant detrimental effect on local parking. The existing access arrangement is considered suitable to serve the scale of development intended.

The main concern raised by the objectors is that this will result in the permanent loss of the 5 parking spaces for the users of the car park. It is considered unlikely that the car wash facility will attract those who wish to have their cars washed only.

**SECTION 2**

However this does mean that shoppers will not be able to use the vacant spaces reserved for car washing during quiet periods when there is little interest in the car wash facility such as in poor weather. It is argued that during these periods there will be a loss of parking spaces to other users of the car park. However it is considered that the use of 5 car parking spaces would not significantly harm the number of spaces available to the car park and Town Centre in general.

Given that the car wash spaces will be used by shoppers it is considered that the harm to the proposal would not harm the character of the area, it is unlikely that the proposal will result in on-street parking as the town centre is served by a number large public car parks.

It is concluded that the proposal is acceptable and in accordance with policy DM28, DM29 and DM24 of the Sites and Policies Plan (part 1).

**Issue 3: Drainage**

This proposal will require the installation of a drainage channel around the proposed parking spaces and a connection to the foul drain adjacent to the public toilets. Full drainage details will be required to show how these works can be carried out without impacting upon the landscape scheme within the car park. A condition is recommended for full details of the proposed drainage to be submitted, and approved in writing by the LPA. The use of detergents and chemicals would be controlled as consent would be required from Wessex Water.

**Issue 4: Noise and Disturbance**

It is noted that residential dwellings are situated to the west of the application site. A condition is recommended to limit the hours of use in order to protect the living conditions of nearby residential properties.

**Issue 5: Setting of a Listed Building**

The proposal does not affect the setting of any listed buildings.

**Natural Environment and Rural Communities (NERC) Act 2006**

The proposed development will not have a material detrimental impact upon biodiversity.

**The Crime and Disorder Act 1998**

The proposed development will not have a material detrimental impact upon crime and disorder.

**Conclusion**

The proposal for 5 car wash spaces is considered acceptable in that it would not result in a significant loss of parking spaces within the town centre and would not

**SECTION 2**

result in a harmful impact upon highway safety, the character of the surrounding area or adversely impact upon the vitality and viability of the town centre. The proposal will not adversely affect the users of the car parking in terms of noise and disturbance and is therefore in accordance with Policy CS12 of the North Somerset Core Strategy and Policies DM1, DM32 and DM29 of the Sites and Policies Plan (part 1).

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development shall be commenced until surface water drainage details together with a programme of implementation have been submitted to and approved, in writing, by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of foul and surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012), Planning Policy Statement 25 Practice guide (Development and Flood Risk) and policy CS/3 of the North Somerset Core Strategy.

4. No development shall take place until a method statement identifying measures to protect all trees, hedges and shrubs that are affected by the new drainage works have been submitted to and approved, in writing, by the Local Planning Authority. The method statement shall include proposed tree protection measures during site preparation (including clearance and demolition work), construction and landscaping operations (including any changes to ground levels). Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

**SECTION 2**

Reason: This is to ensure the appropriate protection of trees that are to be retained and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM9 and DM10 of the North Somerset Sites and Policies Plan (part 1).

5. The use hereby permitted shall not take place before 08:00 hours or after 17:00 hours on weekdays and Saturday, and shall not take place before 10:30 hours nor after 16:30 on Sundays.

Reason: In the interests of nearby residents and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.