

3/14/1851/FP – Change of use of nine parking spaces to hand car wash and valeting operation including installation of an office and erection of a canopy with illumination at Tesco, 1 Bishop’s Park Centre, Lancaster Way, Bishop’s Stortford, CM23 4DA for Waves Consultancy Limited

Date of Receipt: 14.10.2014 **Type:** Full – Minor

Parish: **BISHOP’S STORTFORD**

Ward: **BISHOP’S STORTFORD – SILVERLEYS**

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E02) (1; Plan 2; Plan 3; Plan 4; Plan 5; Plan 6; Plan 7)
3. Prior to the first use of the development hereby approved, noise mitigation at the site shall be carried out in accordance with document reference B7659/ENV/P1, entitled Tesco Car Wash, Bishop’s Stortford, Hertfordshire, Acoustics Report on the Potential Noise Impact of a Proposed Car Wash on Nearby Residential Receptors (12 Dec 2014), unless otherwise agreed in writing by the Local Planning Authority and thereafter the agreed mitigation measures shall be retained.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007

4. Tree/hedge retention and protection (4P05)
5. The use of the car wash and valeting operation hereby approved shall be restricted to the hours 08:00 to 19:00 Monday to Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

6. Construction hours of working – plant and machinery (6N07)

Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and

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proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

_____ (185115FP.SE)

1.0 Background

- 1.1 This application is for the installation of a hand car wash service within the existing car park of the Tesco store in Bishop's Stortford. This installation includes the establishment of a washing area, and the erection of an office and a canopy resulting in the loss of nine parking spaces. The site is to the southwestern corner of the car park, adjacent to the boundary with Burghley Avenue.
- 1.2 Members will note that the proposed buildings include elements of signage. A separate Advertisement Consent application has been submitted (LPA ref: 3/14/1852/AD) for this signage. However, this application will be determined under delegated powers following the determination of this application.
- 1.3 This application is being reported to the Committee at the request of Councillor G. Jones.

2.0 Site History

- 2.1 There is a long planning history for the site. The most relevant are:
 - 3/90/0801/FP – Erection of one supermarket 62 500 sq ft. gross 3 shop units petrol filling station 1 public house car parking and associated landscaping (Approved)
 - 3/13/0819/FP – Dot com extension, van canopy and click and collect canopy (Approved)

3.0 Consultation Responses

- 3.1 County Highways does not wish to restrict the grant of permission. They have commented that the application is acceptable from a highways context. It is noted that the application could affect the circulation of the car park but it is not likely to interfere with traffic flows

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at the main road access to the store. Increase in traffic generation to this out of town supermarket is unlikely to be significant as the majority of the trips will coincide with trips to the supermarket. The level of parking will be reduced and as the planning authority set the parking standards they should ensure adequate parking remains. The operation will be near the public highway and provided the landscaped area shields the illumination, the highway authority would not be in the position to object.

- 3.2 Environmental Health advises that any permission which the Planning Authority may give shall include conditions that: 1) ensures noise mitigation shall accord submitted acoustics report; 2) Construction hours of working are limited to 0730hrs to 18:30hrs Monday to Friday, 0730hrs to 13:00hrs on Saturdays, nor any time on Sundays or Bank Holidays; 3) No external loudspeakers.
- 3.3 The Council's Engineers has noted that the application site is situated within flood zone 1 and away from zone 2 and 3. In addition, the site is shown as away from surface water flow areas and there are currently no historical flood incidents shown at the site. The land is currently car park and the development proposal is to further develop this land and create a new sump and office area within the existing car park. The facility will be using/ generating additional volumes of water and this can be recycled although it is not clear as to whether the operators will be making use of this feature. The existing car park (foul) drainage system will be used to discharge that which is not recycled. Periodically fresh water will be imported to reduce volumes of stagnant water. An opportunity exists with this development to increase and improve the Sustainable Drainage Systems (SuDS) characteristics of the car park and the new facility within it.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council object to this proposal for the following reasons:
- Dangerous as water in the winter months will freeze and cause hazards for pedestrians;
 - Short of car parking spaces especially at peak times;
 - Increase in noise pollution therefore will be detrimental to surrounding neighbours;
 - Increase in pollution;
 - Sunday opening hours cause problems for neighbours.

5.0 Other Representations

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 Four letters of representation have been received which can be summarised as follows:

- Noise nuisance – jet washing not suitable for a residential area
- Loss of car parking spaces will result in on-street parking
- Detrimental to the character of the area

6.0 Policy

6.1 The relevant ‘saved’ Local Plan policies in this application include the following:

TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV11	Protection of Existing Hedgerows and Trees
ENV21	Surface Water Drainage
ENV24	Noise Generating Development

6.2 The National Planning Policy Framework (NPPF) and national planning policy set out in the National Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

6.3 Appropriate weight is also given to the Bishop’s Stortford Town Council Neighbourhood Plan which is proposed to cover the Silverleys and Meads Wards (and will be subject to referendum on 19th March 2015). It is not considered, however, that there are any specific policies in the Plan which are material to the determination of this particular proposal.

7.0 Considerations

7.1 The application site is located within the built up area of Bishop’s Stortford wherein there is no objection in principle to development. The determining issues in relation to this application are therefore:

- The impact on the character and appearance of the site and surrounding area;

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- The impact on the amenities of nearby residential properties;
- Parking

Impact on the character and appearance of the site and surrounding area

- 7.2 Officers do not consider that the design of the proposed buildings would be detrimental to the character and appearance of the existing car park. Whilst the proposed structures, such as the canopy and the office, are larger than others within the car park, such as the trolley bays, their siting to the periphery would not result in a dominant feature in the locality and both are limited in their height with the canopy being the tallest structure reaching approximately 3 meters in height (the office building is lower at 2.5m in height). The nearest public right of way is Burghley Avenue to the west; however, this proposal would be substantially screened by mature vegetation along this boundary. For this reason it is recommended that this proposal accords with the design considerations of policy ENV1 of the Local Plan and that the proposal would not result in any significant harm to the character and appearance of the site or its surroundings.

Impact on the amenities of nearby residential properties

- 7.3 With regard to noise nuisance, concern have been raised by the occupants of neighbouring dwellings. Following these concerns, the applicant provided a site specific acoustic report (dated 12th December 2014). The submitted acoustic report acknowledged that the use of the car wash would result in an increase of between 1 and 6dB of noise above the existing levels of background noise. Therefore, in order to see that the rating level can be equal to (or lower than) the existing background levels, which were taken at the quietest period of the day, it would be necessary to introduce mitigation. The mitigation recommended in the report is to ensure that the proposed screening to the sides and rear of the car wash are of an appropriate construction and specification and to increase its height to 2 metres. It is suggested that this mitigation should be satisfactory with regards the impact on residential amenity.
- 7.3 Environmental Health concur with the submitted report, and have recommended a condition ensuring that, prior to the first operation of the car wash, the noise mitigation at the site should be carried out in accordance with the submitted survey.
- 7.4 Additional concerns raised by the occupants of neighbouring dwellings are with regard to the proposed hours of use of this car wash facility,

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and the impact any early morning, late night or weekend use would have on the enjoyment of their dwellings. The submitted Design and Access Statement suggests that the proposed hours of operation reflect the standard operating hours of a retail outlet. In addition, the submitted Acoustic Report was compiled on the assumption that the car wash facility would operate during daytime hours only. It is also understood that the Tesco Store currently opens 24 hours a day from 6am on Monday until midnight on Saturday. It then opens from 10am to 4pm on Sundays.

- 7.5 Having regard to the primarily residential setting of this store, combined with the information submitted in the Design and Access Statement and the Acoustic Report, Officers consider it reasonable to include a condition restricting the hours of operation from 8am to 7pm Monday to Saturday, and 10am to 5pm on Sundays and Bank Holidays.
- 7.6 Concern has also been raised with regard to light pollution due to the proposed floodlighting (which is proposed to be attached to the roof of the office building, on top of the screens and under the canopy structure). However, given the existing hard and soft landscaping, and the restricted hours of use, Officers do not consider that the proposed floodlighting would result in any significant light pollution to, or harm to, the amenities of the occupiers of these neighbouring dwellings.
- 7.7 Officers acknowledge the condition as suggested by Environmental Health Officers with regard to the restriction of the use of loudspeakers. However, such a condition would not be reasonable or relevant since the application does not proposed loudspeakers. If such units are used at a later date any statutory noise nuisance issues would be considered through separate Environmental Health legislation.
- 7.8 In summary, Officers acknowledge the concerns raised by the occupants of nearby dwellings. However, given the distance between the site and the nearest residential property (which is some 18 metres); the existing hard and soft landscaping separating the site from these neighbouring dwellings; the results and recommendations of the submitted acoustic survey, and the recommendations of Environmental Health, it is considered that any harm caused by noise nuisance would be limited. For this reason it is recommended that this proposal accords with policies ENV1 and ENV24 of the Local Plan.

Landscaping

- 7.9 It is noted that the existing landscaping separating the application site from Burghley Avenue has value in terms of visual amenity, together

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with screening the proposed development from public view points and as a natural acoustic barrier. Given the close proximity of the proposed development to these trees, Officers consider it reasonable and appropriate to include a condition ensuring the retention and protection of these trees. For this reason this proposal accords with policies ENV2 and ENV11 of the Local Plan.

Parking

- 7.9 This proposal will result in the loss of 9 car parking spaces. It is also reasonable to consider that, due to the depth of the car wash area; it may impact on the manoeuvrability into and out of an additional 5 parking spaces opposite the concrete wash pad. Concerns have been raised by the occupants of neighbouring dwellings and the Town Council that the loss of the proposed spaces would result in harmful on-street parking.
- 7.10 The submitted Design and Access Statement considers that the car park will have adequate capacity for this proposal, even at the busiest time of the year and that the proposed car wash will not affect the egress/ingress routes of the car park and there will not be any impact on local transport. The applicant also states that the proposed use is ancillary to the retail use of the site and that it is likely that the facility will be used in association with any trip to the supermarket rather than resulting in a purpose built trip; and therefore there will be no significant increase in traffic or car park usage associated with the car wash.
- 7.10 Planning permission was granted in 1990 for the erection of this supermarket (62 500 sq ft [5,806m²] gross) together with three shop units, a petrol filling station, one public house and car parking and associated landscaping (3/90/0801/FP). As a result of the development of the 'Dot Com' facility (LPA ref: 3/13/0918/FP), the existing number of parking spaces is 446, with 387 'standard' customer parking spaces and the remainder made up of disability parking bays and employee spaces. The application form states that the resultant number of regular parking spaces to be 378. Officers consider that, whilst this is marginally below the maximum standard as set in policy TR7 and Appendix II of the Local Plan, the decrease in number is not significant overall, and neither would it result in a significant increase in on-street parking to the detriment of highway safety.
- 7.11 County Highways has not objected to this proposal. For these reasons it is considered that this proposal accords with policy TR7 and Appendix II of the Local Plan.

Other matters

- 7.12 Additional concern has been raised with regard to hazard resulting from drainage and freezing water during the winter months. The site is located within Flood Zone 1 and it is evident that the proposed use will require a sufficient drainage system, and sufficient management to ensure that water is retained within the site. The Council's Engineers have not objected to this proposal, but have encouraged the use of SuDS within the proposed development.
- 7.13 Officers concur with the Council's Engineers that the proposed drainage plan, as indicated on Plan 7, provides for the effective drainage of the site. The proposed drainage system should overcome any issues of excess water run-off in the car park and therefore limit any possible harm of frozen surfaces during the winter months. For this reason Officers recommend that this proposal accords with policy ENV21 of the Local Plan.

8.0 Conclusion

- 8.1 The proposed development is of a limited size and scale, located to the periphery of the supermarket car park and would therefore not be harmful to the character and appearance of the surrounding area. Subject to the recommended mitigation measures being incorporated, the development would not create harmful noise nuisance to the occupants of neighbouring dwellings.
- 8.2 The development would result in the loss of some existing parking spaces. However, the resultant provision is considered to be acceptable and the proposal would not cause harm to highway safety. In addition, the proposal includes an appropriate drainage system to control any potential harm by reason of surface water flooding.
- 8.3 Having taken all matters into consideration, Officers recommend that planning permission be granted subject to the conditions as suggested at the head of this report.