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)

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 16:00 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)

3/14/1851/FP

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and 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 2015. The balance of the considerations having regard to those policies and the amendments made; is that permission should be granted.
(185114FP.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 western edge of the car park, adjacent to the boundary with Burghley Avenue.

1.2 This application was originally brought before Members at the 25th February 2015 Development Management Committee meeting. Members raised concerns with regard to noise nuisance resulting from the proposed operations in relation to the proximity of nearby dwellings. Concern was additionally raised with regard to the loss of parking spaces. Members agreed to defer the decision with the aim of allowing further discussions between Officers and the applicant to see if the concerns raised by the neighbours and Members could be overcome by the re-siting of the proposed facilities.

1.3 In response, the applicant has amended the plans by moving the proposed operation closer to the store. The proposal size, and scale of the operation remains unchanged and nine car parking spaces will continue to be lost to the development. The siting is to be adjacent to the disabled parking bays. The applicant has justified this peripheral location rather than a central location in car park, as suggested by Members, from a practical installation perspective.A more central location for the hand car wash would result in a section of the car park needing to be excavated for the services required (water, drainage etc), restricting access to a considerable number of spaces for a period of time. As such, Tesco (as landowners) would not grant permission for this location. The currently proposed location enables a less invasive solution for the provision of services.

1.4 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. This application will be determined under delegated powers following the determination of this application.

2.0 Site History

2.1 There is a long planning history for the overall Tesco 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 of the originally submitted scheme. 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 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. No further comments were received with regard to the amended scheme.

3.2 Environmental Health, in considering the proposed scheme,it is advised that any permission which the Planning Authority may give shall include conditions that: 1) ensures noise mitigation shall accord with the 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. No further comments were received with regard to the amended scheme.

3.3 The Council's Engineers have 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. 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 objected to the original 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.

4.2 No further comments were received with regard to the amended scheme at the time of writing this report.

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 were received to the original scheme, 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

5.3 Following the revisions of the application dated 29th April 2015, 15 letters of representation have been received, which can be summarised as follows:

- Prominent location – detrimental to the character of the area
- Noise nuisance
- Existing landscaping is insufficient, especially in the winter months
- Harm to the enjoyment of numbers 21, 22 and 25 Chequers
- Noise reports relay inappropriate information
- Will result in traffic congestion
- Light pollution
- Spray of water on to highway causing hazard

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
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 Bishops Stortford Silverleys and Meads Neighbourhood Plan. 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 Bishops 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;
- 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 consider that the design of the proposed buildings wouldnot 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).

7.3 The re-siting of this operation closer to the superstore has resulted in the buildings being adjacent to part of the boundary with Burghley Avenue, which isless screened by mature vegetationthan the original site. Notwithstanding the limited vegetation, Officers are of the opinion that due to the limited size of the proposed buildings and their location on the periphery of the commercial environment here, the proposed development would not be harmful.

Impact on the amenities of nearby residential properties

7.4 With regard to noise nuisance, during the consideration of the initial scheme,concern was 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.

7.5 Environmental Health Officers concurwith the submitted report, and 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.

7.6 With regard to the amended scheme, further objections have been received with regard to noise nuisance, particularly for numbers 21, 22 and 25 Chequers, which are located approximately 36 metres, 41

metres and 60 metres (respectively) from the application site.

7.7 The applicant submitted an amendment to the noise survey, supporting the findings of the originally submitted noise survey and an update on noise impact with regard to the new siting of the facility. The Acoustician commented that 'after further investigation of this site, the proposed new location of the car wash is calculated to further reduce the noise impact on the most exposed residential properties by another 3bd'.

7.8 In considering the revised siting of the proposal, and the noise survey supporting this application, Officers are of the opinion that this application continues to be acceptable subject to a condition stating that prior to the first use of the development hereby approved, noise mitigation at the site shall be carried out in accordance with the submitted acoustic report.

7.9 Environmental Health has not offered further comments on the amended siting of the car wash, however, Officers are satisfied that since the car wash will be sited further away from the closest residential uses than the initial scheme, and the noise mitigation as previously described will be required, the proposed development would not cause harm by reason of noise nuisance to the occupants of nearby properties.

7.10 Additional concerns raised by the occupants of neighbouring dwellings are with regard to the proposed hours of use of this car wash facility, and the impact any early morning, late night or weekend use would have on the enjoyment of their dwellings. The submitted Design and Access Statementsuggests 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.

7.11 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 4pm on Sundays and Bank Holidays.

7.12 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, the restricted hours of use, and the background of the existing lighting within the car park, Officers do not consider that the proposed floodlighting would result in any significant additional harmfulimpact.

7.13 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.

7.14 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 30 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 the proposal accords with policies ENV1 and ENV24 of the Local Plan.

Landscaping

7.15 Although not as dense as the original application site, it is noted that the existing landscaping separating the application site from Burghley Avenue has value in terms of visual amenity, together 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 and bushes, Officers consider it reasonable and appropriate to include a condition ensuring the retention and protection of these trees.

Parking

7.16 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 6 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.

7.17 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.

7.18 Planning permission was granted in 1990 for the erection of this supermarket (62 500 sqft [5,806m^2] gross) together withthree 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 reminder made up of disability parking bays and employee spaces. The application form states that the resultant number of regular parking spaces to be 378.

7.19 This is below the maximumstandard as set in policy TR7 and Appendix II of the Local Plan (387 spaces). The emerging standards would require the same provision. In this case it is considered that, on most occasions, this would not result in significant harm. Users of the parking may have to circulate more before they could locate a parking space. It is most unlikely that an impact would be caused outside of the site because of the long access road arrangements. The operator of the site will have taken a view about the impact of the proposals on their customers – and must have found it acceptable. Some harm will result from this impact, but it is not considered significant.

Other matters

7.20 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.

7.21 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.

8.0 Conclusion

8.1 The applicant has considered the concerns raised by Members as a result of the previous Committee hearing (25th February 2015) their view is that a central location within the car park would not be practical due to lack of services (water, drainage etc) in such a location. Tesco, as landowners, would additionally not permit this siting. Officers concur that that the current peripheral location is appropriate from a practical perspective.

8.2 The proposed development, is of a limited size and scale, located to the periphery of the supermarket car park and would not be unduly 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.

8.3 The development would result in the loss of some existing parking spaces. This harm is not considered to be significant. In addition, the proposal includes an appropriate drainage system to control any potential harm by reason of surface water flooding.

8.4 Having taken all matters into consideration, and balanced the modest economic benefit, to which positive weight must be given, against any harm, Officers recommend that planning permission be granted subject to the conditions as suggested at the head of this report.