

SITE PLAN ATTACHED

**07. CAR PARK WILLIAM HUNTER WAY WILLIAM HUNTER WAY BRENTWOOD
ESSEX CM14 4SS**

**CHANGE OF USE OF PART OF THE WILLIAM HUNTER WAY CAR PARK TO
SUI-GENERIS CAR WASH USING A WATER FREE SYSTEM, AND THE
RETENTION OF THE EXISTING FENCE, CARWASH UMBRELLA AND
PORTACABIN, TO BE PAINTED LIGHT GREY (RETROSPECTIVE)**

APPLICATION NO: 15/00984/FUL

WARD	Brentwood North	8/13 WEEK DATE	10.09.2015
PARISH		POLICIES	NPPF NPPG CP1 PC2 PC4 C14 T2 T6
CASE OFFICER	Ms Sukhi Dhadwar	01277 312604	
Drawing no(s) relevant to this decision:	01 ; 03 ; 04 ; PLANNING STATEMENT ; 8258 200 01 ; 8258 300 00 ; BY2754 /1; OASIS KS DETAILS ; OASIS T2 DETAILS ; BY1083 /B; BY2329 /3; DESIGN NOTE ; CANOPY (FABRIC DETAILS) ; ADDENDUM PLANNING STATEMENT ; EMAIL DATED 16/10/15 ;		

1. Proposals

This application has been referred to committee on the basis that it relates to land which is Council owned.

Permission is sought for the retention of a change of use of part of the William Hunter Way Car Park site to a commercial Car Wash business, and the retention of the existing fence, carwash canopy and portacabins.

Two boundary fences are proposed. The first is a wooden fence which runs along the internal boundary of the eastern perimeter of the site. It measures 2.4m high by 17.26m long. The second fence runs along the southern perimeter of the site. It is a marine plywood fence which measures 1.2m high by 27m long. It has been painted bright yellow and blue.

The drains are a maximum of 150mm wide by 83mm deep and run from the canopy and north of the portacabins into the inceptor drain. The drain has a total length of 12.1m

The erection of two portacabins attached to each other measuring a total of 5.89m wide by 3m deep and 2.69m high to their flat roofs. They are constructed with an aluminium frame and have a grey coloured exterior. The entrance door is blue.

The portacabins are to house the water reclamation unit, the insulated vacuum cleaner and insulated jet pumps.

4 plastic containers which will hold the recycled water collectively measure 1.1m deep by 2m wide and have a height which is just below that of the portacabins.

The installation of a car wash 'umbrella' canopy held up by 2 galvanized steel support posts has a maximum height of 3.1m. The canopy section measures 4.85m wide by 7.95m deep and has a height which does not extend beyond the height of the support posts. It is constructed of polyester and is proposed to have a silver/grey PVC coating.

The cleaning of the water will be carried out by a bespoke version of the 'Oasis T2' system by ByWater Services. This system works through water being sprayed from a 15m length hose pipe which is attached to the wall under the canopy which will spray 3.6 litres per minute through a 40 degree nozzle. A large bucket will contain the 'rinseless wash' detergent mixed with water which valetors will dip sponges into the solution and then wipe the cars. The planning statement submitted as part of this application describes the solution as being biodegradable.

The water then drops to the ground following the natural ground slope into the Clark Drain which is covered by grills and into the inceptor drain.

The inceptor will through underground piping connect to the insulated water reclamation unit. Water is then filtered, cleaned and subsequently stored in the plastic containers ready to be put through the hoses again. The accumulated dirt is finally stored and taken away by a representative of ByWater Services. During the visit the representative will also clean the machinery used to filter the water.

All water based cleaning is carried out under the canopy area.

Cars will then be vacuumed by a Kercher HT 70/2 vacuum (replaced with a updated model on a yearly basis). Its armoured cable is attached to the inside wall of the southern elevation boundary treatment. The flexible hose is also attached to this timber boarding.

The applicant states that the benefits of the system are that there is reduced water storage requirements; reduced demand on mains water supply and environmentally friendly.

The hours of operation are Monday to Saturday 07:00 until 19:30 and Sunday 09:00 until 17:00.

The proposal will provide employment for 3 full time and 8 part time employees.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 of particular relevance to this application are the following policies:

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 1 requires that planning decisions should support sustainable economic growth.

Chapter 2 requires that the vitality of the Town Centre be promoted.

Chapter 7 makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area.

Chapter 11 requires that the planning system should contribute and enhance the natural and local environment.

Chapter 12 requires that development conserves heritage assets in manner appropriate to their significance.

The National Planning Practice Guidance (NPPG) provides additional guidance which supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

Brentwood Replacement Local Plan

CP1 (General Development Criteria) requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment

TC10 (William Hunter Way Car Park) This policy for this site is intended to retain the site for short stay car parking, and does not preclude the consideration of the car park for redevelopment, in whole or part, for a mixed use development

T2 (New Development and Highway Considerations) states that planning permission will not be granted for proposals where it will have an unacceptable detrimental impact on the transport system; and it fails to comply with adopted policies and highway requirements.

T6 (Public Car Parking Strategy) states that existing levels of short term car parking in the Borough's shopping areas will be maintained in order to retain their economic viability

PC2 (Hazardous Substances) Development must not give rise to an unacceptable risk to the health and safety of users of the site, neighbouring land or the environment.

PC4 (Noise) Noise generating development will not be permitted if it would have a significant unacceptable detrimental impact on the noise levels experienced by the occupiers of existing residential development.

3. Relevant History

- 07/00978/FUL: Demolition Of Existing Structures, Erection Of New Buildings And Structures To Provide A Cinema (Use Class D2), Retail Stores (Use Class A1), Multi-Storey Car Park, 14 One-Bedroom Flats And Associated Car Parking Together With Service Areas, Highway Works, Hard And Soft Landscaping And Other Ancillary Works -Application Withdrawn
- 08/00729/FUL: Demolition Of Existing Structures, Erection Of New Buildings And Structures To Provide A Cinema (Use Class D1), Retail Stores (Use Class A1), Multi Storey Car Park, 14no. One Bedroom Flats And Associated Car Parking Together With Service Areas, Highways Works, Hard And Soft Landscaping And Other Ancillary Works. -Approve (Subject to Section 106)
- 13/00133/BBC: Change of use from disabled car park to a private car park to serve Barclays (ancillary A2) -Application Withdrawn
- 13/00784/EXT: Demolition of existing structures and erection of new buildings and structures to provide Cinema, retail stores (Class A1), multi storey car park, 14 no one bedroom flats and associated car parking together with service areas, highways works, hard and soft landscaping and other ancillary works. (Extension of time to commence approved development 08/00729/FUL). -Approve (Subject to Section 106)
- 14/00567/FUL: Retention of fence, carwash umbrella and portacabin (retrospective) -Application Withdrawn
- 14/01326/FUL: Change of use of part of the William Hunter Way Car Park site to Car Wash and the retention of the existing fence, carwash umbrella and portacabin (Retrospective permission) -Application Withdrawn

4. Neighbour Responses

Letters were sent to 50 occupants of adjoining and nearby properties within William Hunter Way, High Street and Western Road. Two site notices were also displayed. At the time of the writing of this report a total of 3 responses (From 2 respondents) had been received from the public with regard to the application.

The issues raised can be summarised as follows:-

The location is too close to the residential properties therefore location 3 would be much more suitable. The vacuums are far too close to the residential properties opposite in WHW.

The location of sump tank, wash bay and re-circulation unit are not shown on the application drawings.

A proper wash bay needs to be installed to prevent contaminated water escaping down surface water drains and to ensure all is collected into the settlement tank and that all existing car wash illegal drainage arrangements are removed and reinstated.

The applicant/operator must ensure that the fences canopy screens etc., are maintained properly not like as before or at present. The operator must ensure that all doors and windows are kept shut on the portacabins to contain the noise unlike before.

The opening hours are too long especially on a Sunday.

The noise from the jet wash system will be unbearable

The previous car wash was running from 07.30 every morning, even on weekends, which had an impact on our quality of life.

Information supplied on the application form is either incorrect or is inconsistent, for example the number of car parking spaces which will be lost to the use, and the area of the site.

The information demonstrating where the jet wash and vacuum equipment is inadequate, and the block and drainage plan shows insufficient detail of the drainage, and does not include a wash bay and silt trap

The plan suggests that the slope of the site from the under canopy wash area is towards the drainage channels. This is not the case, the majority of this area slopes towards the North of the car park and the Eastern kerb. All the wash water will therefore not be collected in the drainage channels but will flow towards other surface water gullies

5. Consultation Responses

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the existing use of the site, the location and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed car wash, subject to conditions relating surface water discharge, fencing is clear of the highway.

- **Environment Agency:**

No response.

- **Historic Buildings And Conservation Officer:**

Brentwood Town Centre Conservation Area. Following my previous comments on the withdrawn application I again raise concerns for the proposed use at this site, which does not either enhance or preserve the Conservation Area. Should permission be granted boundary treatments and other associated elements which cumulatively devalue the Heritage Asset should be more discreet given the context. Whilst the site is located in the backlands of the Conservation Area, it should be appropriately considered.

- **Assets Manager:**

No comments

- **Head Of Street Scene:**

No comments received in relation to this application however comments made in relation to the previous application under reference 14/00567/FUL are as follows:-

1. It takes up 10 spaces, but these are paid for in the lease agreement with the company, as are all car parking spaces used by their customers.
2. Based on our user figures usage in WHW has increased, along with usage in all car parks in the Town, which I feel is evidence that shoppers have not been deterred.

- **Environmental Health & Enforcement Manager:**

Further to the above application this Department previously had cause to object on account of the noise produced by the generator. As this has now been replaced by a fixed power source these concerns have been appeased and therefore no objection is raised to the current application.

email dated 15/10/15

Noise

Whilst complaints were received by this Department regarding the pressure washer from the previous use of the site as a car wash, investigations were undertaken and noise levels were found to be acceptable. There is no additional plant in this application that would give a reason to believe the proposed noise levels will be above the previous recorded levels.

Additionally there was concern over the use of the generator but this new proposal negates the necessity for this.

Drainage

The total wash water reclamation system allows waste water to be recycled via a contained tank. The water is diverted via a sump and the "recycled" water is then used to wash the cars. The dirt etc collected will then be disposed of as per the requirements of the local water authority. Environmental Health have no adverse comments regarding this process as the tank will be fully contained and surface waste water is diverted into the system.

Vacuum Cleaner

I've never received any issues with these commercial vacuums. The noise level is 75dB at source which means that at nearest receptor (30 metres) the noise will be around 37dB which is below existing background noise levels in the daytime.

Therefore I have no objections to the vacuum operating.

- **Thames Water Development Planning:**

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

- **Essex & Suffolk Water:**

No reply received at time of writing report.

6. Summary of Issues

Background

On 26 February 2014 the Community Services Committee gave approval for the applicant to obtain a rolling 3 month renewable licence for William Hunter Way car park for use of the south western area to be used as a car wash. This licence was to last until such time that a new development partner was found for the site.

The applicant then carried out the operational works in order to facilitate the change of use. These works resulted in an enforcement complaint being made to the use and structures.

Planning application reference 14/00567/FUL was submitted for operational development on the land including the stationing of portacabins and canopies. During the assessment of that application, officers considered that a material change of use had occurred; complaints relating to noise from the use of power hoses and vacuum machines were also received and investigated by the Council's Environmental Health officer.

The applicant was advised of these issues and subsequently withdrew the application before formal determination.

A revised application was then submitted under reference 14/01326/FUL for the change of use of part of the William Hunter Way Car Park site to a car wash and the retention of the existing fence, carwash umbrella and portacabin (Retrospective permission). This application was withdrawn on 2/2/15 as it was found that water mixed with car wash detergent was being discharged into the surface water drain. The use was removed from the site and some of the drains were refilled.

The applicant then contacted the Environment Agency who suggested a water recycling system or water reclamation system as the way forward as there are no foul water sewage drains in the vicinity of the site.

Current Proposal:

The planning statement submitted as part of this application refers to a sequential test carried out by the applicants and car park management in order to find the most suitable area for the use. 5 areas were identified and the final decision for the location was made on the basis of a balance between the impact on the car park users, impact on the public impact on residential amenity and impact on the Brentwood Town Centre Conservation Area. Area 1 was selected based on the facts that it would result in the loss of the least amount of car parking spaces, it had limited public access and was further most away from the Conservation Area. An objector wishes that the location be changed to read '3' as it is the furthest away from residential properties. This area was discounted due to the number car parking spaces lost and would be between two points of pedestrian access, as well as being nearer to the conservation area.

The key considerations for this application are :

Principle of change of use

The impact the proposal will have on the character and appearance of the application site, the adjoining Brentwood Town Centre Conservation Area and wider surrounding area.

The impact of the proposal on the Environment.

The impact of the proposal will have on the living conditions of neighbouring residential properties.

The impact of the proposal on highway safety.

Site and surrounding area

The proposal is located on the northern side of William Hunter Way Car Park. This car park is owned by the Council. There are two vehicular entrances and exits to the site. The application site is situated in the south western corner of this car park, is irregularly shaped and covers an area of 615 sqm. This area is equivalent to 15 car parking spaces and turning circle area. It shares the south westerly entrance/ exit route with the main car park. (The agent advises that this is the correct amount and the other figures were stipulated in error).

The boundary of the Brentwood Town Centre ends at the rear boundary of shops facing the High Street.

The character of this area is mixed, as this road is predominately used as a service link to the backs of the existing shops facing the High Street. However there are residential properties to the west and south of the site and space for car parking to its east and north.

Principle

The site is within the Brentwood Town Centre and north west of the Conservation Area. Within the Brentwood Replacement Local Plan (BRLP) it is designated for use as a car park until such time that a proposal comes forward for the redevelopment of the site for a mixed use development, in line with the requirements of policy TC10 (Site of the William Hunter Way Car Park) of the BRLP.

William Hunter Way comprises of 379 car parking spaces. Policy T6 of the Local Plan requires that existing levels of short term car parking in the shopping areas be maintained.

The development has resulted in the loss of 4% of this total. The Car Parking Manager considers this as acceptable as the site is only full to capacity 3 time a year (near Christmas) therefore demand for parking in this location will not normally outstrip the supply as a result of this application.

Furthermore some of the clients of the car wash would be joint trippers, i.e. they may be using the car park anyway to access the town centre and may wish to also get their car washed. It is therefore considered the impact on the use of the car park would be minimal and may be considered to be an enhancement of the shopper experience within the Brentwood Town Centre. The proposal is therefore considered accord with the requirements of Chapter 2 of the NPPF.

Impact on the Character and appearance of site, adjoining conservation area and wider surrounding area:

The site is a car park on a service road and there are a number of large banner adverts on the buildings which face the south side of William Hunter Way; opposite this application site and within the Brentwood Town Centre Conservation Area.

The bright blue and yellow colour scheme chosen for the fencing contributes negatively to visual clutter within the public realm. Based on the comments of the Conservation officer, it is considered that the colour and appearance of the boundary treatment and structures is harmful to the character and appearance of the adjacent Conservation Area.

However, the applicant is willing to agree to change the colour scheme to a silver grey paint (as advised by the Conservation officer) as shown on drawing number 300_00 and by way of planning conditions on any approval, to overcome the harm identified.

All advertisements on the site have been removed. The applicant has also been advised that some advertisements may require express consent and that this should be obtained prior to any installation.

It is therefore considered that subject to the implementation of the conditions the proposal would have a neutral impact on the character and appearance of the site, the adjoining conservation area and wider surrounding town centre. The proposal therefore complies with the requirements of Chapter 7 of the NPPF along with policies C14 and CP1 (i) and (iii) of the Local Plan.

Impact on the environment

This proposal has been amended since the previous withdrawal and now provides no connection to the nearby surface water drain and as a result will not contaminate local waterways. A condition is also recommended to ensure that all existing connections to this drain are removed prior to any approved use commencing on the site.

A site visit was carried out 9th October 2015. At the meeting 60 litres of water was dropped from a tank within a van under the canopy structure. I found that due to the natural slope of the site all the released water then travelled into the existing drains on the site and on this basis a silt tray is not deemed as an essential requirement.

Furthermore the proposed method of washing the cars through its reduction in water usage and recycling method will make a contribution towards adapting to climate change. The proposal therefore complies with the requirements of paragraph 93 of the NPPF.

Impact on neighbouring residential amenity.

The nearest residential properties to the use are the apartments within Bishops Gate which are situated on the southern side of William Hunter Way. This block is a minimum of 19m away from the application site. The residential properties on Western Road are 25m away

The Environmental Health officer has not raised concerns in relation to this application and its impact on noise pollution levels in this locality. This is because the applicants have replaced the previous generator with a fixed power source, all noise producing machinery is insulated and housed within the portacabin. The increased length of the hose, 40 degree nozzle and low output of water ensure that noise levels from this use will not be significant.

Furthermore the site is situated within the heart of the Town Centre where one can expect a background level of noise and activity. However, in order to monitor and assess the level of impact of the use on nearby residents, it is recommended that the permission be granted for a temporary period in order to allow the Council the opportunity to review the effect of the use at a later date.

On this basis and subject to conditions limiting hours of operation and noise levels of machinery, it is considered that there is no significant level of harm to the occupiers of nearby adjacent properties.

Due to the limited use of water, reduced force of the jet spray hoses and extensive drainage on the site it is not considered that there will be significant water spray drift to either passing pedestrians or onto the highway.

It is therefore considered that whilst objectors concerns in relation to noise and water spray are noted, any such occurrence can be mitigated against by use of planning conditions and complies with the aims and objectives of the NPPF and BRLP CP1 (vii) and PC4.

Highways

The Highway Authority has raised no objection to the planning application, and the fencing is within the boundary of the application site. The proposal therefore complies with the requirements of policy CP 1(iv).

Conclusion:

The use of part of the car park as a Car Wash operation would contribute to sustainable economic growth within the town centre, offering add-on attraction to shoppers and users of the car park.

Through the imposition of conditions there would be no significant harm to the living conditions of the neighbouring residents or the general public or to the character and appearance of the Town Centre and adjoining Brentwood Town Centre Conservation Area.

The removal of any remaining drainage connection to the existing surface water drain and the proposed method of recycling the water will ensure that local waterways are not affected and that natural resources are used prudently.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 TIM07 Temporary permission - Use (Land)

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 18 months from the date of this permission in accordance with a scheme of work to be first agreed in writing with the local planning authority.

Reason: In the interest of amenity and to safeguard the character and appearance of the area.

4 U11267

The use shall not operate and no machinery or equipment associated with it shall be used on the premises before 07:00 and after 19:30, Mondays -Saturdays or before 09:00 and after 17:00 on Sundays and public holidays.

Reason: To safeguard the living conditions of nearby residents in accordance with the NPPF, C14 and PC4, CP1 Criteria (ii) and (vii)# of the Brentwood Replacement Local Plan .

5 U11268

The proposed boundary treatment including final finishes of paint work as shown on drawing 300_00 shall be implemented and completed within one month of the date of this decision, and retained in perpetuity.

Reason: In order to remove visual clutter and to safeguard the character and appearance of this location within the vicinity of the Brentwood Town Centre Conservation Area, in accordance with the requirements of Chapter 7 and 12 of the NPPF along with policies C14 and CP 1 of the Brentwood Replacement Local Plan.

6 U11269

All machinery and noise producing equipment associated with the car wash activity, including pressure washers and vacuum cleaners etc. shall not be removed from the portacabins whilst the approved use is in operation. This machinery shall only be operated if it is housed within the portacabin and the doors of this portacabin remain closed for whole duration of the function of this equipment.

Reason: In the interests of residential amenity in accordance with paragraph 123 of the NPPF along with PC4 and CP 1 of the Brentwood Replacement Local Plan 2005.

7 U11270

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in accordance with the NPPF and policy CP1 of the Brentwood Replacement Local Plan 2005.

8 U11271

No sound amplifying equipment, loudspeaker, radio/CD player or public address system shall be installed /operated within the site hereby approved.

Reason: In the interests of neighbouring residential amenity in accordance with paragraph 17 of the NPPF and policies CP1 (ii) and (vii) and PC4 of the Brentwood Replacement Local Plan 2005.

9 U11274

No advertisements shall be displayed within the site or on the boundary treatment, without prior permission from the local planning authority.

Reason: To prevent visual clutter in accordance with chapter 7 and 12 of the NPPF and policies CP1, C14 and C16 of the Brentwood Replacement Local Plan.

10U11361

Any existing connections to the surface water drain shall be disconnected prior to the first use of the site.

Reason: In order to prevent the development from contributing to, or being put at risk from water pollutants, in accordance with chapter 11 of the NPPF and Local Plan Policy PC2.

Informative(s)

1 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1 PC2 PC4 C14 T2 T6 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

BACKGROUND DOCUMENTS

DECIDED: