

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:** 17/0916/FUL  
**APPLICANT:** Mr Laska  
**PROPOSAL:** Use of land for car wash and valeting service  
**LOCATION:** Land At, Old Vicarage Road, Exeter, EX2  
**REGISTRATION DATE:** 09/06/2017  
**EXPIRY DATE:**

## **HISTORY OF SITE**

A planning application (ref no. 07/0606/03) was approved in 2007 for a car wash facility on the adjacent site fronting Cowick Street. This permission was approved on a temporary basis for 2 years. The temporary consent was imposed due to a more comprehensive redevelopment of the site for retail and residential purposes being proposed and originally granted under application 08/1052/03. A subsequent application for the permanent retention of the car wash facility was approved in September 2015 under planning application 15/0098/03 given the uncertainty of the more comprehensive scheme progressing. The approved hours of use were between 0730 and 2000 hours Monday to Friday and 0800 to 1800 hours Sundays and Bank Holidays.

## **DESCRIPTION OF SITE/PROPOSAL**

The application site is an existing car park located on the eastern side of Old Vicarage Road, to the rear of residential properties in Powderham Road and to the east of the St Thomas Social Club which this car park principally serves. The area to the north of the site is occupied by a funeral directors and alongside a vacant site which has planning approval to redevelop for retail and residential use under current planning application 16/1189/03.

The application seeks consent for the use of this existing car park for a hand car wash. This business previously occupied the adjoining site fronting onto Cowick Street but closed last year due to the future redevelopment of the site. The proposal seeks to recreate this former use on the adjoining site by installing a single storey flat roofed timber building for office, customer waiting and staff facilities with the dry valeting alongside the rear of properties in Powderham Road and the wet wash area alongside the funeral directors premises. In addition, four spaces are retained for use by the funeral directors alongside their existing building. The pedestrian and vehicular access onto Old Vicarage Road is proposed to remain unchanged.

The agent has indicated that the business will operate in the same way as the previous use but with reduced hours between the hours of 0800 to 1800 hours Monday to Saturday and 0900 to 1700 hours on Sundays. The site will operate a circular one way system which will be managed by the staff. The agent has stated that the St Thomas Social Club will continue to use the site for parking in the evening.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement has been submitted with the application.

Flood Risk Assessment concludes that the change of use of this land poses no unacceptable flood risk to the area or any increase in flood risk to existing nearby properties.

Noise Assessment was based on noise measurements taken at the nearest noise-sensitive receptors to the site. The assessment shows that the rating level from operations at the site is likely to have a low impact on nearby noise-sensitive receptors. Consequently it is concluded that noise should not pose a material constraint to development at the site.

## REPRESENTATIONS

11 objections received. Principal issues raised:-

1. Potential increase in unauthorised parking and therefore need to look at residents parking permits in the area;
2. Increased safety risk to pedestrians living in the area particularly children and the elderly;
3. Increased parking problem in the area, the scheme will displace existing parking which currently use the social club car park;
4. Greater pressure on an existing dangerous junction of Cowick St/Old Vicarage Road;
5. Increase in traffic using the cut through from Alphington Road to Cowick Street via Old Vicarage Road;
6. Hours of opening will detrimentally affect the amenities of nearby residents;
7. Increase in air pollution;
8. Use too close to existing residential properties/gardens;
9. Inadequate boundary treatment to protect existing residents from detrimental impact of the proposed use;
10. Noise and disturbance from machines and operators detrimental to residential amenity;
11. Overlooking into neighbouring residential properties windows;
12. Contrary to Core Strategy which aims to minimise use of the private car;
13. Inappropriate use in a predominantly residential area;
14. Proposed wooden hut will appear unattractive within the streetscene;
15. Use should have an hours restriction to specify no use at weekends/restricted hours on Sunday.

## CONSULTATIONS

**The Head of Planning, Transportation and Environment** comments that this application is for a car wash and valeting service at the land off Old Vicarage Road, Exeter. This site is related to the application for the mixed use development comprising of commercial floor space and residential uses (16/1189/03), which has now been given planning consent.

The site is currently being used as a car park for the “Co-operative” funeral service and the St. Thomas Social Club (albeit during evenings only). It is understood that there is no restriction on the car park uses.

The site itself is accessed off an existing bell mouth onto Old Vicarage Road – however, a dropped kerb access is recommended instead of the illustrated bell mouth to provide pedestrian priority at this location. Given the nature of the development, a facility to prevent excess water on the highway should be installed.

The visibility at the point of access onto Old Vicarage Road is substandard to the right – upon site visit; the existing fencing obscures oncoming vehicles. The vehicular access onto Old

Vicarage Road and visibility splays providing inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) should be 25 metres in both directions. The visibility can be improved upon (by lowering the fence line or by another means within the site boundary) and should be secured by condition.

The level of traffic generation from the site is not expected to be significantly more than the existing use. A car wash was in operation at an adjacent site previously and given that the existing car park has no restrictions, the level of additional traffic is not significant to form a reason for refusal.

In addition, the submitted plan shows that there is sufficient space to accommodate the existing uses (car parking for funeral directors) and for the operation of the car wash (customer waiting and staff facilities). Furthermore, the plan shows a circularity one-way system ensuring vehicles can enter and exit the highway in forward gear and is secured by condition.

There have been a number of comments from the public who are concerned that the proposed car wash will result in customers parking on Old Vicarage Road where parking can become difficult. To overcome this issue, a car park management condition is recommended to ensure that sufficient space is allocated on site to prevent any overspill onto the highway. In addition, financial contribution is sought for the Highway Authority to review the parking arrangements in this area of the city – this contribution will not cover the entire works, but will help to forward fund a review by DCC.

In summary, the submitted application does not generate significant additional traffic movements compared to the current site, provides suitable facilities for parking for the existing use and provides a suitable layout for the proposed business. Therefore, subject to the conditions recommended below being attached in the grant of any permission, no objection is raised.

**The Environmental Health Officer** initially required details in terms of contamination, drainage and noise assessment. Further information has been submitted by the applicant in terms of clarification and in particular a noise assessment report. Further comments have been made stating that the predicted noise levels are slightly higher than normally permitted, the proposed hours are not particularly sensitive and therefore would be acceptable. Consequently subject to suitable conditions regarding hours of operation, no objections are raised.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance: National Planning Policy Framework

4. Promoting sustainable transport

7. Requiring good design

Decision making

Exeter Local Development Framework Core Strategy

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

DG1 - Objectives of Urban Design

EN2 – Contaminated Land

EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise

## **OBSERVATIONS**

A car wash facility had operated from the adjacent site since 2008 and only recently closed down due to work commencing on site for retail and residential development and pending the outcome of this planning permission. The agent's supporting statement highlights the popularity of the use and strong customer basis, which this business has built up in the area. It is acknowledged that the location of the proposed car wash, adjacent to the previous one, would continue to take advantage of the existing client base. The proposed scheme is located within an existing car park and has a number of car movements throughout the day, which could be similar in number to a car wash business. However there are clear differences between the proposed use of the site and its former location, which need to be assessed.

The proposed site would use a single access from Old Vicarage Road which currently serves the St Thomas Social Club car park. Although the highway officer has raised no objection in principle, it is considered that the impact from noise and disturbance from traffic movement from the car wash use will be different from the existing car parking and have the potential for greater disturbance. The site already serves an existing car park used mainly during the evening by social club uses. It is understood that there are no restrictions on the existing car park but the creation of the car wash use will inevitably lead to more frequent car movement to and from the site during the day. The closer proximity of the car wash use to residential properties in Old Vicarage Road and Powderham Road is a significant change from the previous location fronting the existing commercial uses in Cowick Street. Whilst residents have raised concern about an increase in parking problems and highway safety issues in the area, the highway officer has stated that subject to conditions in respect of improvements to the access arrangement, a car park management plan and a financial contribution towards a review of the traffic regulation order in the area the scheme is acceptable. Although it is considered that an hours of use condition would minimise the impact of the use on residential properties a potential detrimental impact on occupiers living nearby remains.

Local residents have raised concern about water spray and the potential for noise pollution. The applicant has produced a noise report which has been assessed by the environmental health officer. Although it is accepted that there will be some noise disturbance to residential occupants nearby it is considered that the proposed hours of use would minimise the impact on their amenities. The layout plan indicates that the dry valeting area is located adjacent the existing residential properties with the wet area adjacent to the funeral directors premises. Whilst it is considered that this would help to address concerns of residents in Powderham Road it may cause problems to residents who ultimately live in the area identified for redevelopment.

Accordingly, although there remain some concerns about the impact of this use in close proximity to existing and future residents in the area, the level of impact is considered acceptable within the hours of use imposed through a condition. Whilst there are commercial units in the form of the adjacent funeral directors and the social club, the relocation of the car wash would bring the use much closer to existing and future residential properties. Consequently it is considered that the use has the potential to be detrimental to residential amenity from traffic generation and environmental factors and therefore, in addition to the conditions to mitigate against these factors, a temporary consent for 2 years is considered appropriate. This will enable the use to be assessed against existing properties and enable the

properties in the adjacent site to be constructed, occupied and these residents' views considered.

## **DELEGATION BRIEFING**

19 December 2017 - The Principal Project Manager (Development) explained that the application had previously been reported to the delegation briefing but deferred to obtain further information, which had been received. There were now no objections raised by either the highway or environmental health officer in terms of parking, traffic generation, noise issues and general impact on residential amenity subject to suitable conditions being imposed. However, there had been 11 objections received and given this level of concern, Members considered that the application should be reported to Planning Committee.

## **RECOMMENDATION**

Subject to the completion of an appropriate agreement to secure a financial contribution of £5,000 towards traffic regulation orders in the vicinity of the site **APPROVE** the application subject to the following conditions:-

1) The use hereby permitted shall be discontinued and buildings/structures removed and the land restored to its former condition on or before 12 February 2020.

Reason: To assess the impact of the use on nearby residential properties and determine its suitability on a permanent basis in this locality.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13 October 2017 as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) No other part of the development hereby approved shall be occupied until a dropped kerb access and a facility to prevent uncontrolled discharge of water over the footway on Old Vicarage Road have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

4) No other part of the development hereby approved shall begin until a visibility splay of 2.4 metres measured back from the nearside carriageway edge on the centreline of the site access and parallel with the edge of the carriageway over the entire site frontage to the south, with all land and vegetation enclosed within the splay reduced to a height not exceeding 600mm above adjacent carriageway level, shall have been provided and maintained. Once provided the visibility splay shall be retained and maintained for that purpose at all times.

Reason: To provide a safe and suitable access in accordance with paragraph 32 of the National Planning Policy Framework.

5) No part of the development hereby approved shall be commenced until a turning area and parking spaces for customers/funeral directors shall be laid out in accordance with the Proposed Plans and Elevations plan and maintained for those purposes at all times.

Reason: To enable vehicles to enter and exit the highway in forward gear therefore

providing a safe and suitable access.

6) No part of develop shall commence until a Car Park Management Plan outlining how adequate car parking will be provided for the onsite office uses will be maintained following commencement on site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate onsite parking provision is provided for the existing use.

7) The use shall not take place other than between the following times: 8am to 6 pm Monday to Saturday); 9am to 5pm on Sundays and not at all on Bank or Public Holidays.

Reason: In the interests of the amenity of occupants of nearby buildings.

## **INFORMATIVES**

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) The Council's Environmental Health officer has stated that the use has the potential to cause disturbance to neighbouring properties as a result of noise. The applicant is therefore advised that if complaints are received further changes to noise level may be required to mitigate any nuisance created.

*Local Government (Access to Information) 1985 (as amended),  
Background papers used in compiling the report:*

*Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223*