



Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 19th March 2015

Subject: Application number 15/00585/FU - Full application for a Change of use of Petrol Filling Station to Car wash Robin Lane Filling Station, Pudsey.

APPLICANT
Mr I Panesar

DATE VALID
2nd February 2015

TARGET DATE
30th March 2015

Electoral Wards Affected:

Pudsey

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSED for the following reasons -

The Local Planning Authority consider that the proposed use would have an unacceptable impact on the residential amenity of surrounding properties due to noise and disturbance caused by the activities, equipment and comings and goings associated with the use. The proposal is therefore considered to be contrary to policy GP5 of the adopted Leeds Unitary Development Plan (Review) 2006.

The Local Planning Authority considers that there is insufficient space within the site to accommodate vehicles associated with the proposed use. This would lead to vehicles queuing out of the site, onto the highway of Robin Lane. This would be detrimental to vehicle and pedestrian safety, potentially blocking the zebra crossing and zig-zag carriageway markings, which would affect the safe and free flow of traffic, contrary to policy T2 of the Leeds Unitary Development Plan (Review 2006).

The Local Planning Authority consider that the proposed acoustic fence around the site and erection of a portakabin, by reason of the height and materials, is considered to be a prominent and incongruous feature which fails to reflect or respect the primarily residential character of the surrounding area and wider conservation area,

contrary to saved Unitary Development Plan policies GP5, N19 and N25 and to guidance in the NPPF.

The Local Planning Authority considers that, by reason of the insufficient information provided to demonstrate that the site can be adequately drained, the applicant has failed to demonstrate that the development will not contribute to or exacerbate issues of flooding and drainage locally. As such, the proposed development is contrary to policy GP5 of the saved Leeds Unitary Development Plan Review (2006) and to guidance within the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application refers to a Change of Use of Petrol Filling station to Car wash.
- 1.3 Members are asked to note the content of this report and accept the officer's recommendation of refusal.
- 1.4 The application has been brought to panel at the request of Councillor Lewis and Coulson for reasons of transparency as a serving Ward Cllr live in close proximity to the site.

2.0 PROPOSAL:

- 2.1 The proposal is a change of use of petrol filling station to hand car wash. The application is a resubmission of a previously refused application. It appears the application has been amended, with demolition of the existing store/building and erection of a portakabin in its place. Other alterations are the erection of 2.4m high timber acoustic fence and an industrial vacuum cleaner in sound proof casing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located within Pudsey Conservation Area on the western side of Robin Lane, and consists of a former petrol station and forecourt. The site lies in a predominantly residential area which contains housing types of various styles and ages. To the north of the site lies an access which leads to a glass manufacturer, and beyond that a row of stone built terraced cottages. To the east across Robin Lane, lies a relatively modern development of 1990's suburban semi and detached, 2 storey brick built dwellings. To the south lie stone built terraced properties, and to the west lies a single storey commercial building which is occupied by a glass manufactures.
- 3.2 The site itself consists of a large flat roof canopy, where the former pumps were located underneath, and a 2 storey flat roof building which is located to the rear of the site. This building would have been the shop and counter to pay for petrol. The sides and rear boundaries are enclosed by 2m high wooden fencing. The front of the site to Robin Lane is defined by a low brick wall.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/02962/FU – Withdrawn, Retrospective change of use of a hand car wash to a car pitch. Decision Date: 22/08/2014

- 4.2 12/00952/UCU3 – Enforcement action served in form of a stop notice in regard to the unlawful use as a car wash: Date 18/04/2013 which the applicants did comply with
- 4.3 13/00628/FU – Refused, Retrospective change of use of petrol filling station to hand car wash Decision Date: 20/03/2013
- 4.4 12/04406/FU – Refused, Retrospective change of use of petrol filling station to hand car wash Decision Date: 13/12/2012

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 PREAPP/14/00030 - Discussions have been ongoing with the applicant's and officers through pre application advice resulting in the submission of this planning application. The advice that was given at Pre application stage was that more information was required. Highways were consulted as part of this who expressed that a highways objection is likely to be raised to an application if it cannot be shown that the site would be able to accommodate demand Any vehicles queuing on Robin Lane would be detrimental to road safety.

6.0 STATUTORY CONSULTATIONS:

None were made due to the nature of the application.

7.0 NON STATUTORY CONSULTATIONS:

- | | | |
|-----|-------------------------|--|
| 7.1 | Highways | Object and recommend refusal |
| 7.2 | Mains Drainage | Objects, No drainage drawings to show how the site would deal with the effluent from the car wash. |
| 7.3 | Health and Safety | No Objections |
| 7.4 | Yorkshire Water Service | No reply |

8.0 PUBLIC/LOCAL RESPONSE:

- 8.1 The application was publicised by site notices which were posted adjacent to the site on 13th February 2015. To date ten objections have been received by neighboring properties. The points raised in these objections are highlighted below:

- Noise from machinery on site
- Noise from movements on site
- Pollution
- Highway impact
- Highways safety
- Drainage
- Inaccuracies with the application

- 8.2 Councillor Jarosz has registered an objection in regard to the noise and disruption from the car wash and previous build-up of waiting cars on Robin Lane leading to difficulties for cars trying to exit Radcliffe Lane. As Radcliffe Lane is frequently used

by traffic avoiding Pudsey town centre and therefore a car wash in this location would be dangerous.

9.0 PLANNING POLICIES:

The Development Plan

9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.

9.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

T2 Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.

T24 Requires parking provision to reflect detailed guidelines

The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

GP5 Development control considerations including impact on amenity.

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

N19 Refers to building design in the Conservation Area

Supplementary Planning Guidance / Documents:

National Guidance - National Planning Policy Framework

9.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

MAIN ISSUES

- Principle of Development
- Amenity Considerations
- Highway safety
- Drainage

APPRAISAL

10.0 **Principle of Development:**

10.1 The site is unallocated in the Unitary Development Plan. The site has been previously used as a petrol filling station and the remnants of this use are still visible on site. The petrol filling station could reopen without the requirement of planning permission. There are no policies contained within the adopted Leeds UDP which are concerned with proposals for hand car washes. A hand car wash facility is considered to be similar in operation in land use terms to a petrol filling station, in terms of cars frequently visiting the site for short stay visits. For all of these reasons, on balance, the proposed use is considered to be acceptable in principle, subject to an assessment against normal development control considerations.

11.0 **Amenity Considerations:**

11.1 The applicants have not stated the opening times of the car wash. However the site lies in an established residential area; residential properties lie directly adjacent to the site to the south and east. The nearest property to the site is 63 Robin Lane, the side elevation of this property faces onto the application site. However, this elevation only contains an external door and no windows. Although the applicant seeks consent to only operate during daytime hours, it is considered the noise generated from the operations on site, mainly caused by the noise of jet washers, vacuums, compressors and even radios, would have an adverse impact on the occupiers who live adjacent to the site.

11.2 The properties at numbers 9, 11 and 13 Radcliffe Lane are located only between 10m and 20m away from the actual washing operations of the cars. The excess car holding area would be located directly adjacent to the amenity areas of number 9, Radcliffe Lane and located 6 –12m from numbers 11 and 13. Further to this, the gardens of the terraced properties at no's 43, 45 and 47 are separated from the site by a 2-3m wide access. This application proposes a 2.4m high timber acoustic fence located around the site. This is seen to have minimal impact in terms of minimising disturbance as the application site is located lower than surrounding properties located along Radcliffe Lane with their private amenity space facing the site.

11.3 The applicants propose to demolish the shop which would have been part of the existing petrol station use. The proposed portakabin will be located to the east of the site, 4m from the amenity areas of no 43,45 and 47. The portakabin is seen as an incongruous feature that would detract from the existing character of the Pudsey conservation area and the amenity of the aforementioned neighbours.

11.4 It is considered the proposal would have an adverse impact on the ability of these occupiers to use their gardens. All of the cleaning/ washing operations occur outside and none of the noise generated by the use is contained within a building. The proposed use is therefore considered to cause conflict with the adjacent residential properties which are located in immediate proximity to the application site.

12.0 **Highways**

12.1 The proposal makes use of the existing petrol station entry and exit points and operates on a one way basis. Directly outside the site there is a zebra crossing with zig-zag carriageway markings.

12.2 Highways officers have objected to the scheme as a car wash in the past has operated from this site, at that time officers visited the site on a number of occasions to witness how the site was being managed and the impact of its use on

the highway. At this time vehicles were observed to be queuing out of the site onto Robin Lane. This also obscures the visibility of drivers approaching the pedestrian crossing at this site.

- 12.3 Highways have noted that two Schools are located within close proximity of this site Crawshaw Academy to the north and Southroyd Primary to the south of the site. This creates a large pedestrian footfall along Robin Lane and extra vehicle movements along this already busy road. The car wash would lead to vehicles queuing on the highway to the detriment of vehicle and pedestrian safety.
- 12.4 It is therefore considered there is insufficient space within the site to accommodate vehicles associated with the proposed use. This would lead to vehicles' queuing out of the site, onto Robin Lane. This would be detrimental to vehicle and pedestrian safety, contrary to policy T2 of the Leeds UDP.

13.0 Drainage

- 13.1 The site has been used as a petrol station so will have methods for disposal of drainage already in situ. However, Mains Drainage have raised objections to the application, as no drainage drawings have been provided, hence it's not possible to determine how it is proposed to collect and deal with the effluent from the car wash.

14.0 Letters of representations

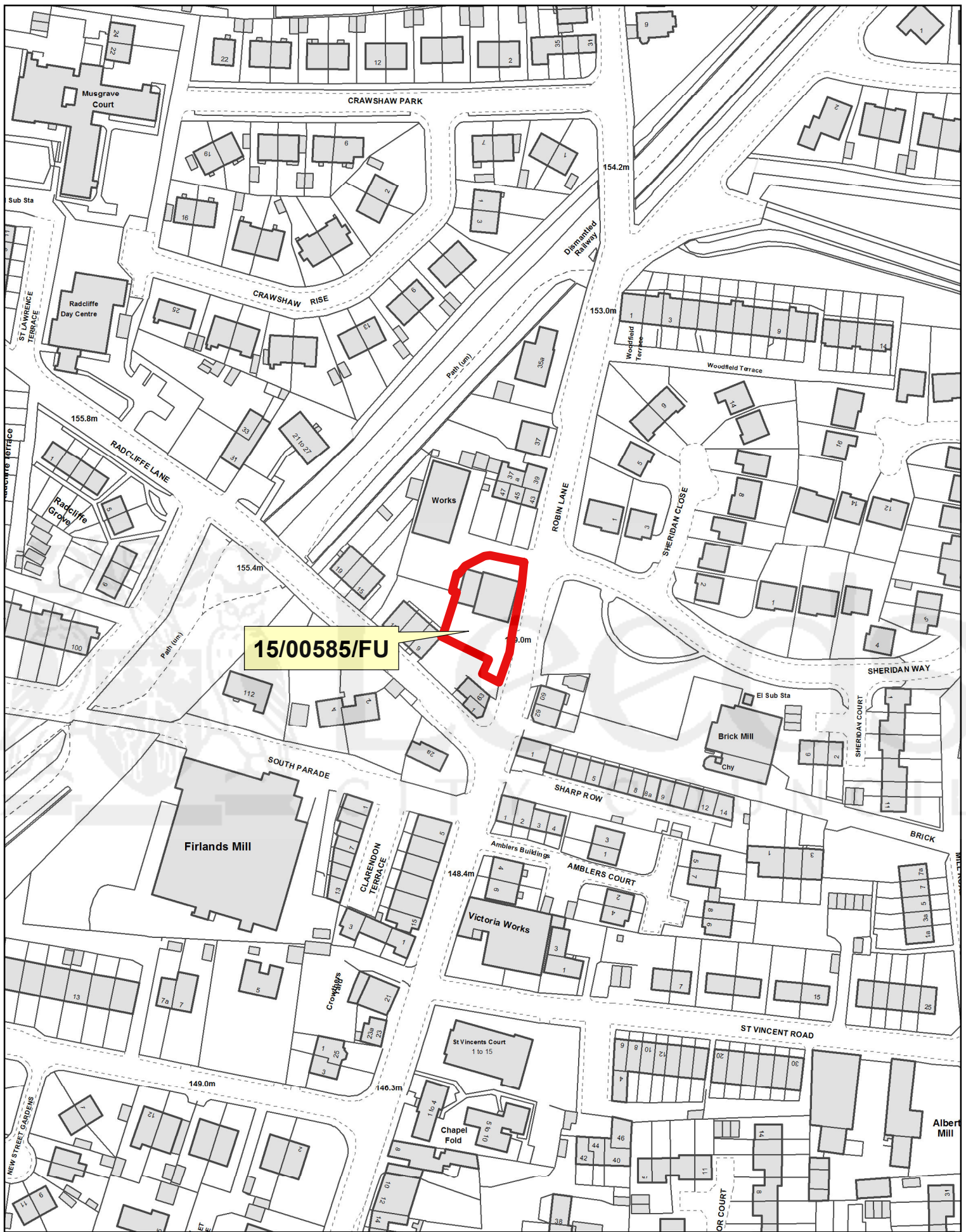
- 14.1 Eight letters of objection have been received. Other matters which have been raised by objectors and are not discussed in the above points are not considered to be material to the consideration of this planning application or of such significance to outweigh the conclusions reached.

15.0 CONCLUSION

- 15.1 The application is recommended for refusal on highway safety grounds, and the adverse impact on residential amenity of adjacent occupiers and the negative impact upon the conservation area resulting from the proposed use.

16.0 Background Papers:

- 16.1 Pudsey Conservation Area Appraisal and management plan, 2009



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SOUTH AND WEST PLANS PANEL

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