

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. P. Ndoro 'B'	Use of the building for car valeting - Rear of 186 to 210 New Road, Rubery	Shopping Area Residential Area	10/0496-MT 09.08.2010

Councillor P. M. McDonald has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application upon the expiry of the publicity period on 27.08.2010.

MINDED to APPROVE.

Consultations

WH	Comments received 21.06.2010: No objection.
Drainage Engineer	Verbal comments received 23.07.2010: no objections.
PROW	Comments received 08.07.2010: No objections.
Ramblers	Consulted on 28.07.2010: No comments received to date.
EHM	Comments received 07.07.2010: Operating times need to be confirmed in order to prevent undue disturbance to residential properties in the area. Noise levels expected from the power washers to be used in the hand wash area, should be stipulated and calculations provided to demonstrate the noise levels at the nearest noise sensitive properties. Measures to reduce spray drift produced by the power washers must also be put into place to prevent the spread of cleaning spray onto neighbouring land.
Publicity	Neighbour notification letters posted 18.06.2010; expire 09.07.2010 (4 letters sent). Site Notice posted 09.07.2010 expires 30.07.2010; additional site notice (Footpath Setting) posted 29.07.2010, expires 19.08.2010. Press Notice published 05.08.2010, expires 26.08.2010.

The site and its surroundings

The application site relates to a small single storey warehouse unit to the rear of the shops and services occupying 186 to 201 New Road. The unit shares the building known as the Nexus Centre with a hair salon.

The building on the site is located within Rubery's designated Shopping Area but the Parking/Waiting Area shown on the submitted Site Plan is within a Residential Area. These designations are representative of the land uses surrounding the site with the residential properties along Graham Crescent located to the south, and the shops and services along New Road to the north. There are also residential units located to the north of the site above the shops and services occupying 186 - 210 New Road.

Proposal

This application proposes to regularise the use of the premises for car valeting. It is understood that the building was last used for light industrial and warehousing purposes. Such uses would fall within Classes B1 and B8 of Town and Country Planning Use Classes Order 1987 (as amended). Car valeting would also fall within Class B1 of the Order thus no material change of use would have occurred. However, notwithstanding the description of the proposal on the application form, it is apparent that the site is actually used as a car wash; a sui generis use. The proposal has therefore involved a material change of use.

Relevant Policies

WCSP CTC.1, D.38, D.39, D.16
BDLP DS2, DS13, C27, S19
Others PPS1, PPG2, SPG1, SPG4

Relevant Planning History

B/1999/0436 Conversion of barn into dwelling - Granted 16.08.1999

Notes

As noted earlier, the site straddles the boundary between a Residential Area and Rubery's designated Shopping Area. The proposed use is not related to either of these designations thus it is important to consider the principle of the development in this location.

Despite the site's Shopping Area designation the premises was not originally constructed for retail purposes and was last used for warehousing/light industry. I am not therefore of the view that the proposal would dilute or compromise the retail offer of Rubery's Shopping Area.

Only a small part of the site is located within a designated Residential Area but nonetheless there are a number of residential properties located nearby. Policy S19 of the BDLP provides that, where residential uses predominate, the District Council will not allow employment or other land uses which would adversely affect residential amenity whether through noise, smell, traffic or health reasons. It is therefore important to consider the impact of the proposed development on the nearby residential properties.

I note the comments of the EHM in relation to noise and spray drift from the power washers used to clean vehicles and I am mindful of the potential impact these externalities could have on the amenity of the nearby occupiers.

With regard to noise, the EHM has advised that information should be provided on the noise levels resulting from the development. However, considering the circumstances of the case I do not find it necessary or reasonable to request such information. Firstly, the washing and drying areas are both contained within the building and I am of the view that this would attenuate the noise from the washers and any other cleaning equipment. To

secure this I would recommend that a condition is placed on any planning permission granted to restrict the washing and drying operations to within the building.

Secondly, it is noted that the building was last used for light industrial and warehousing purposes. Not only would this suggest that noise from machinery is not unprecedented in the area, it provides a fallback position that could have more adverse implications for residential amenity than the proposal. It is considered that the proposal could be used for any purposes within classes B1 (offices, research and development, light industry) and B8 (storage and distribution) of the Town and Country Planning Use Classes Order 1987 (as amended) without the need for planning permission. Such uses could involve noise from tools, forklift trucks and heavy goods vehicles and it is considered that this would be far more damaging to residential amenity than the current use.

Thirdly, the applicant has confirmed that the business is open between the hours of 9 and 5 on Monday to Saturday. I consider these hours to represent normal working hours during which most people would be at work and noise from activity would not cause disturbances. I recommend that a condition is placed on any planning permission granted to restrict the hours of operation to within these times.

With regard to the EHM's comments in relation to spray drift, I am of the view that this would be contained within the building and should not therefore be a nuisance to the nearby residential properties. Furthermore, there is a fence and tree planting between the premises and the residential properties to the south of the site and I am of the view that this would prevent any spray drift onto these properties.

The submitted application form indicates that the business employs 2 people on a full time basis and one person part time. The government's planning policy advice for Economic Development set out in PPS4 applies to any development that provides employment opportunities, generates wealth or produces or generates an economic output or product. The policies within PPS4 are therefore a material consideration in the determination of this application.

PPS4 requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. Policy EC10 of PPS4 provides that planning applications that secure sustainable economic growth should be treated favourably. All planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;

e. the impact on local employment.

With regard to the first criteria of this policy, it is understood that power washers and other cleaning machinery is used at the site. This would clearly use electricity from the national grid but I am of the view that the carbon footprint of the proposal would be relatively low. It would therefore be unreasonable to require the proposal to incorporate and utilise renewable energy measures. Having regard to the comments of the Drainage Engineer it is considered that sufficient drainage provisions can be made and I am not of the view that the proposal would result in any surface water flooding issues.

With regard to the second criteria, due to the very nature of the proposal it is not necessary for customers to be able to access the site by any other means of transport than the private car. It is noted that the site is located close to the bus stops along New Road and it is considered that staff could access the site by public transport.

Criterion c does not apply to the proposal as it involves the change of use of an existing building with no external alterations. I consider the proposal to comply with criteria d and e as it would bring a vacant property back into use and create new employment in the District.

Taking the above matters into consideration I am of the view that as far as practically and reasonably possible the proposal would accord with this policy.

Members will note the absence of an objection to the scheme from the Highways Authority and I would not therefore have any concerns over access and egress.

Conclusion

The proposal would not dilute or compromise the retail function of Rubery's Shopping Area and I consider it to be appropriate to the site and its surroundings. I am not of the view that the proposed use would have an unacceptable impact on the amenity of the surrounding residential properties and it is not considered to be detrimental to highway safety. I would not have any concerns in relation to PPS4 and it is considered that the proposal would be beneficial to the local economy. Taking the above matters into consideration it is considered that the proposal would accord with the relevant policies of the adopted Development Plan and National planning policy guidance thus I recommend that planning permission is approved.

Members will note that the publicity period for this application does not expire until after the meeting of the Planning Committee on 27.08.10. It is therefore requested that Delegated Powers are granted to the Head of Planning and Regeneration to determine the application upon the expiry of this period.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application upon the expiry of the publicity period on 27.08.10

MINDED to APPROVE.