

PLANNING COMMITTEE:	7 th June 2018
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2018/0051
LOCATION:	Far Cotton Service Station, 11 London Road
DESCRIPTION:	Erection of a portacabin to be used in conjunction with car wash facility (retrospective)
WARD:	Delapre & Briar Ward
APPLICANT:	Motor Fuel Group
AGENT:	Mr Graham Adcock
REFERRED BY:	Councillor V Culbard
REASON:	Obtrusive addition
DEPARTURE:	No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The proposed retention of the cabin on a temporary basis would have no significant adverse impact on the streetscene, character of the area or the amenities of adjoining and nearby residential occupiers. The proposal thereby accords with Policies S10 and BN9 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The proposal is for the retention of a portacabin which is being used in association with the running of the existing car wash facility within a service station.
- 2.2 The portacabin is 7.34m in length, 2.9m in width and 2.4m in height and finished in bright blue colour.

3 SITE DESCRIPTION

- 3.1 The application site comprises an established petrol filling station, which also incorporates an existing car wash as well as car sales. The car wash facility was given planning permission in 1989.
- 3.2 The site adjoins the rear garden of the house at 2 Southfield Avenue. The portacabin is visible from the neighbour's garden as the existing garden fence is lower than the structure.

4 PLANNING HISTORY

4.1 748 / 68 – Erection of motor service station building – Approved 29/10/68

4.2 89/1278 – Provision of car wash – Approved 13/12/89

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Section 7 – Requiring good design.

Section 8 – Promoting healthy communities.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10 – Sustainable Development Principles

Policy BN9 – Planning for Pollution Control

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – New Development (Design)

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Environment Agency** – This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore have no comment to make on this application.

6.2 **Public Protection** – Whilst have received a complaint about noise and light pollution from the hand car wash, would have to investigate using powers under Section 79/80 of the Environmental

Protection Act 1990, therefore have no comments. There are currently no live nuisance complaints relating to the hand car wash being investigated.

6.3 **Councillor V Culbard** – Calls in the application on the grounds that this is ugly and obtrusive for nearby residents.

6.4 One letter of representation received from a neighbouring occupier making the following points in summary:

- Rubbish is left lying around
- Smoking is taking place which should not be done near flammable liquids
- Cabin is a major eyesore
- Wires coming out of the back of the cabin are draped over neighbouring fence
- Site owners should take responsibility for the fence, which should be taller
- Will not be satisfactory due to noise levels

7 APPRAISAL

7.1 The issues to consider relate to the impacts of the cabin, rather than the wider issues of the use of the site as a car wash, this being an existing established use.

7.2 In respect of the impact on adjoining occupiers, the cabin is located adjacent to the side of a neighbouring residential garden at 2 Southfield Avenue. The neighbouring garden is at a lower level. As the building (2.4m in height) is higher than the existing boundary fence, it is partly visible from the garden in question. However in terms of its physical impact, including any overshadowing or overbearing, taking into account of the commercial character of the application site, it is not considered that it would be so harmful to warrant a refusal of the application.

7.3 A further consideration is the wider visual impact of the cabin. This can be seen from London Road, at a distance, and therefore does have some impact on the street scene. However, when viewed within the wider context of the overall site, it is not considered that this visual impact is significant. As the building is of a temporary nature and appearance, it is therefore not considered acceptable for this to be retained on a permanent basis. The applicants have confirmed that they would accept a temporary permission and it is recommended that a three year temporary consent is issued. If the business requires a storage facility beyond this time, it will be necessary to find a more appropriate permanent solution.

7.4 The concerns raised by the neighbouring occupier relate to the existing use of the car wash itself, and the activities of the operatives. In this respect, it must be noted that the use was permitted in 1989 with no specific planning conditions restricting the type of car wash i.e. either a mechanical car wash or as a hand car wash. The area now used for hand car washing is within the area where the mechanical car wash was permitted and therefore the use within this area is permitted under the previous approval. Whilst the cabin may ease the continuation of the car wash use, in planning terms, the car wash use could continue in any event. Therefore any consideration of the impacts of the wider use, rather than the cabin, would not form a proper basis for a refusal of the application.

7.5 As referenced by the comments from Public Protection, any impact such as excessive noise or light pollution which may occur would be considered under separate Environmental Health Legislation and therefore not material to the consideration on the retention of the portacabin in this instance.

8 CONCLUSION

8.1 The continued retention of the portacabin on a temporary basis would have no significant impact on the amenities of adjoining occupiers, or on the streetscene and the character and appearance of the area. The application is recommended for approval subject to conditions.

9 CONDITIONS

(1) The building hereby permitted shall be removed and the land restored to its former condition on or before June 30th 2021.

Reason: In the interests of amenity as the Local Planning Authority consider the building is only acceptable as a temporary expedient in accordance with Policy E20 of the Northampton Local Plan.

10 BACKGROUND PAPERS

10.1 Application file N/2018/0051.

11 LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

