

Application for Determination

Parish: Great Yarmouth

Reference: BA/2012/0316/CU **Target date:** 31/12/12

Location: Shell Petrol Station, Caister Road, Great Yarmouth

Proposal: Erection of temporary canopy and storage unit along with change of use from jet car wash to car wash.

Applicant: Mr Kiri Mahadevan

Reason for referral: Objection from neighbour

Recommendation: Approve with conditions

1 Description of Site and Proposals

- 1.1 The application site is a Shell petrol station situated on the A149 Caister Road on the northern edge of Great Yarmouth. The site lies within a small spur of the Broads Authority's executive area which extends from the River Yare right up to Caister Road.
- 1.2 Caister Road is a busy 'A' road leading north out of Yarmouth towards Caister. Residential development lines either side of the road along most of its length, however the petrol station marks the end of residential development on the western side of the road, with land to the north of the station being open amenity space.
- 1.3 The petrol station site fronts on to Caister Road and to the west at the rear of the site, shares a boundary with two residential properties and a public house (currently closed).
- 1.4 The site is broadly rectangular in shape and measures approximately 50m x 50m. The site comprises a shop and filling station which are both housed under a large canopy, a small kiosk building and an open area of hardstanding at the southern end of the site.
- 1.5 The application is retrospective and the hand carwash business has been operating from this location for a number of years. The application seeks consent for the regularisation of this unauthorised change of use, for the retention of a canopy and storage container and for the erection of an additional canopy to prevent overspray entering neighbouring properties.

2 Site History

In 2010 retrospective consent was granted for the installation of an ATM cash machine (BA/2010/0356/FUL).

In 2010 consent was granted for the erection of two illuminated advert displays (BA/2010/0197/ADV).

3 Consultation

Great Yarmouth Borough Council – No response received.

District Councillor – No response received.

Highways – No objection.

Great Yarmouth Borough Council Environmental Health Officer – No objection subject to a condition restricting the use to a temporary period of 1 year, to allow for the proper monitoring of noise and disturbance arising from the site.

4 Representations

Mr T Fell, 20 River Walk, Great Yarmouth – objection due to noise and disturbance associated with the hand car wash business.

5 Policy

5.1 Adopted Broads Development Management DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP19 – Employment Diversification

DP28 – Residential Amenity

5.2 Material Consideration - National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

6 Assessment

6.1 This retrospective application seeks consent for the continuation of use of part of a petrol station site to accommodate a hand car wash business.

6.2 When considering this application the first issue to clarify is why the operation of a hand carwash business from a petrol station site requires planning consent.

6.3 Whilst it is not uncommon for petrol station forecourts to include an area for car washing, and indeed there was formerly a car wash station at this site, these uses are generally sufficiently small in scale so as to be considered a use ancillary to the main operation on the site.

- 6.4 In this instance the hand car wash business which operates from the site is a reasonably substantial operation comprising a large canopy providing a covered area under which to work, the permanent siting of a storage container, the operation of a number of vacuum cleaners and pressure washers and employing a number of people working at the business at any one time. The car wash operates from 8.00am to 6.00pm seven days per week.
- 6.5 Given the scale of the business, the fact that it has separate employees, area for payments and staff facilities and having regard to the fact that it is not a temporary operation (in that it has been operating and anticipates to continue operating for a period in excess of 28 days), it is considered that the car wash cannot be considered ancillary to the use of the site as a petrol filling station and, consequently, a separate planning consent must be sought for this business.
- 6.6 Having established that the operation of a hand car wash business does require planning consent, the key considerations in determining the application are the principle of the development and the impact of the proposal on the amenity of neighbouring residential occupiers.
- 6.7 Considering first the principle of the development, Policy DP19 of the Broads DM DPD permits diversification of commercial sites to provide a range of employment uses subject to the satisfaction of 4 defined criteria relating to (a) the scale and nature of the proposed new use; (b) loss of visitor facilities; (c) impact on highways; and (d) compliance with other policies in the DM DPD and Core Strategy.
- 6.8 Assessing the application against these criteria, the application seeks consent for the introduction of a hand car wash business at a petrol filling station, a use which is considered to complement the existing business in both scale and kind. The new use would cause no loss of visitor facilities and would have no impact on the safe functioning of the highway. Consequently, subject to the proposal being in accordance with other policies in the Core Strategy and DM DPD, the application is considered to be acceptable in principle.
- 6.9 Turning to the Core Strategy and DM DPD policies, it is considered that the principle impact of retention of the car wash use is the impact on the amenity of neighbouring occupiers.
- 6.10 The nearest neighbouring residential properties border the site to the west and an objection has been received from one of these properties on the grounds of noise and overspray emanating from the car wash business and the resulting loss of amenity for the occupants of the dwelling, particularly when using their garden in the summer months.
- 6.11 When considering impact on amenity Policy DP28 requires that new development have no unacceptable impact on the amenity of neighbouring

occupiers. In this case the noise generated by the site (from machinery and staff) and overspray from pressure washers are material considerations and due regard must be given to the impacts of the development on the amenity of the neighbouring dwellings.

- 6.12 In response to consultation the Environmental Health Officer (EHO) at Great Yarmouth Borough Council has raised concerns regarding the noise and overspray generated from the car wash business and has identified several practical measures to address these concerns. These measures amount to the erection of a new screen to limit overspray and recommending a condition requiring that vacuum and pressure washer units are operated only when the motor units are housed in enclosed boxes.
- 6.13 In addition, the EHO has recommended that, should consent be granted, it should be limited to a temporary consent for 1 year to allow for the proper monitoring of noise generated from the site.
- 6.14 The applicant has indicated that they are happy to operate under the terms recommended by the EHO and have amended the application to include a new vinyl screen to restrict overspray.
- 6.15 The neighbouring party who raised an objection to the application has considered these amendments and the proposal that any consent is temporary to allow for the proper monitoring of noise generated by the car wash business by Great Yarmouth EHO, and has confirmed that the revisions and restrictions proposed are not sufficient to address the concerns raised. Consequently, the objector has confirmed that the initial objection is maintained.
- 6.16 In planning terms, and considering the consultation response of the EHO and the amendments made to the scheme, it is considered that the applicant has taken reasonable practical steps to minimise noise and disturbance. Circular 11/95 advises on the use of planning conditions and states that use of a temporary consent to enable a 'trial run' of a new use is acceptable, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development. Considering the circumstances of this site, the only additional capital expenditure required would be the purchasing of cabinets to house the vacuums and pressure washers and the erection of a vinyl screen. These measures are considered to be relatively modest and, consequently, it is considered that the issuing of a temporary consent is acceptable in this instance.
- 6.17 The final issue to consider regarding amenity is the hours of operation of the hand car wash business. At present the business operates from 08.00am through to 6.00pm seven days per week. Although not an issue raised by the EHO in response to consultation it is considered that a small reduction in these operating hours may also go some way to addressing the neighbouring occupier's concerns.

- 6.18 When considering what hours of operation are acceptable at the site it is material to consider the context in which it lies. In this case the car wash business is operating from the forecourt of a 24 hour petrol station and, in addition to bordering the petrol station site, the property from which the objection derives also borders a public house (albeit one which is not currently open). In this context, the level of amenity which can be expected from the occupants of the house is not the same as that which could be expected on, for example, a housing estate. The two commercial neighbouring uses are long established and, in fact, pre date the residential use.
- 6.19 Nonetheless, it is recognised that the neighbouring dwellings do have a right to a satisfactory level of amenity and, mindful of this, it is recommended that the hours of operation of the hand car wash business are limited to between 08.00 and 6.00pm Monday – Saturday, and 09.00 and 4.00pm on Sundays and bank holidays. It is considered that this represents a reasonable balance between the commercial nature of the site (and other neighbouring sites) and the need to secure a reasonable standard of amenity for the neighbouring properties.

7 Conclusion

- 7.1 This application seeks consent for the continued use of part of a petrol station forecourt. Whilst in principle the introduction of a car wash use is an acceptable diversification of the existing business there are concerns regarding the impact of the car wash operation on the amenity of the neighbouring occupiers.
- 7.2 To address these concerns the applicant has amended the scheme to restrict noise and overspray emanating from the car wash and, additionally, it is proposed to restrict the hours of operation from those currently operated in order to protect the amenity of neighbouring residents.
- 7.3 Notwithstanding these measures, there remains one objection to the proposal from a neighbouring occupier and, in recognition of these concerns, the Environmental Health Officer has recommended the granting of a temporary consent to enable monitoring of noise generated by the car wash throughout the year.
- 7.4 Government guidance on the use of temporary consents indicates that temporary consents can be used to trial development in this way and, consequently, the recommendation here is for approval of a temporary consent which also requires noise and overspray control measures and a slight reduction in hours during which the carwash business can operate. The operation of the site will be monitored by the Environmental Health Officer and the acceptability of the development will be reviewed at the end of the consent period.

8 Recommendation

8.1 Approve subject to the following conditions:

1. Temporary consent for 1 year
2. In accordance with approved plans
3. Vacuum and pressure washers must only be operated when motor unit is encased in enclosed boxes
4. Screen to prevent overspray must be erected and maintained throughout the lifetime of the consent
5. Hours of operation

9 Reasons for Recommendation

9.1 The proposed development represents an acceptable diversification of the existing petrol filling station use, however there are concerns regarding the impact of this new use on the amenity of neighbouring occupiers. Consequently, in accordance with Policy DP28 and the guidance in Government Circular 11/95 it is considered appropriate to grant a temporary, trial consent for a period of one year to enable the local Environmental Health Officer to properly monitor noise and disturbance emanating from the site which is specifically associated with the permitted car wash use.

Background Papers: Application File BA/2012/0316/CU

Author: Fergus Bootman

Date of report: 6 March 2013

Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2012/0316/CU - Shell Petrol Station, Caister Road, Great Yarmouth
Erection of temporary canopy and storage unit along with change of use from jet car wash to hand car wash

