

Application Number 07/2017/0772/FUL

Address 248 Liverpool Road
Penwortham
Preston
Lancashire
PR1 0LY

Applicant Mr Nigel Byrne

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Development Erection of MOT station/tool hire storage building, part retrospective conversion of former retail outlet to tool hire company office and waiting room for car wash customers, use of land as car wash facility, with erection of associated acoustic screens (not retrospective). Use of land for sale of gas storage bottles and the erection of a 3 metre high free standing metal frame

Officer Recommendation Refusal

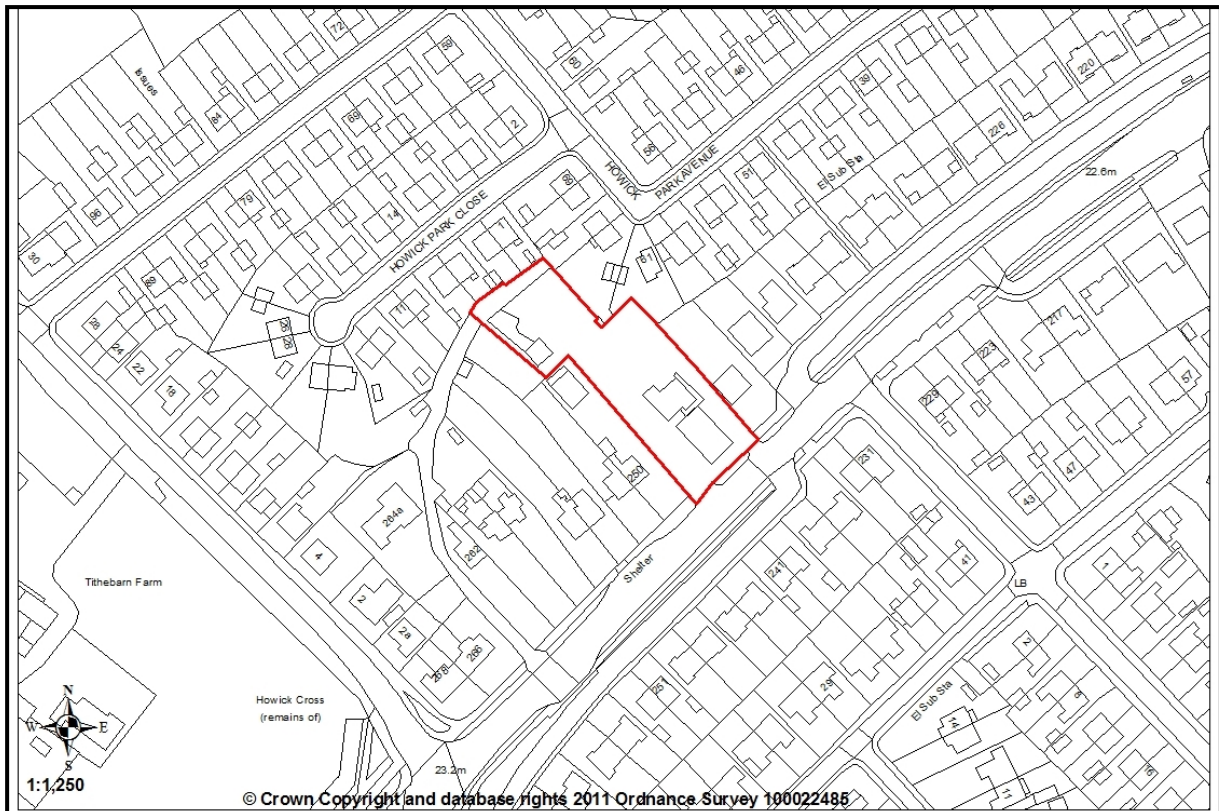
Officer Name Mrs Janice Crook

Date application valid 15.05.2017

Target Determination Date 10.07.2017

Extension of Time N/A

Location Plan



1. Report Summary

1.1 The application is a re-submission of a previously refused scheme for the erection of a MOT station/tool hire storage buildings, the conversion of a former retail unit to a tool hire company office and waiting room and the use of the land for a car wash facility. The applicants have sought to address a number of issues raised during consideration of the previous application. Changes have been made to the design and location of the MOT/tool hire building and noise mitigation measures have been included. However, the mitigation measures fail to adequately overcome the adverse impacts caused by noise, and particularly the introduction of a 3m high acoustic fence, has its own impact in terms of impact on the residential amenity of the occupants of the adjacent property 246 Liverpool Road by virtue of appearing overbearing and results in a loss of light and also has a detrimental impact on the character and appearance of the area. The application is therefore recommended for refusal.

2. Site and Surrounding Area

2.1 The site is located on the north side of the A59 Liverpool Road in the built-up area of Penwortham, within a predominantly residential area. The site was formerly a petrol filling station with ancillary car sales to the side and rear. There is a building set centrally within the site which was used as the retail kiosk associated with the petrol filling station, and this is surrounded by areas of forecourt with the infrastructure for petrol sales set to the front of the building. The rear part of the site is predominately hardstanding.

2.2 The site abuts residential properties on three sides. The adjacent property to the east is 246 Liverpool Road, to the west is 250 Liverpool Road with a brick-built workshop present to the rear. To the north-west are properties on Howick Park Close and to the north-east properties on Howick Park Avenue.

2.3 A single lane private road runs from Liverpool Road between 262 and 264 Liverpool Road, behind 250-262 Liverpool Road, to the rear western corner of the application site. Numerous properties on Liverpool Road and Howick Park Close use this access road for vehicular purposes. As the access road approaches the rear western corner of the site it degrades and is overgrown at the rear of the application site.

3. SITE HISTORY

3.1 Until circa 2008 the site was operated by Rydal Motors as part of a combined use comprising of car and petrol sales, an ancillary A1 shop and a self-operated car wash hose located along the boundary with 246 Liverpool Road. It is understood that the car sales and petrol/shop use operated independently of one another.

3.2 In January 2009 planning permission was granted for a Tesco Express store with a petrol filling station on the site. An amended scheme for the same use was approved in December 2009. Neither permission was implemented.

3.3 In April 2011 a temporary planning permission (07/2011/0133/COU), for a 12 month period, was granted for the change of use of the forecourt area to a hand car wash. This permission was implemented.

3.4 Sometime during the course of 2012 the operator of the car wash on site changed hands which, as a result in the change of equipment being used and change in washing practices, resulted in numerous complaints being received by Environmental Health.

3.5 In December 2013 a retrospective application (07/2013/0802/FUL) for the use of the site as a hand car wash was withdrawn to allow the applicant to investigate mitigation measures in respect of noise/spray from the jet washes following concerns raised by Environmental Health.

3.6 In June 2014 an amended retrospective application (07/2014/0033/FUL) was approved, for a 2 year period, which included the erection of a 2.7m high acoustic fence along the party boundary with 246 Liverpool Road to reduce noise and spray.

3.7 Following the erection of the acoustic fence, the use of the forecourt area of the site for the washing of cars continued to generate complaints from neighbours in relation to noise and spray.

3.8 Circa April 2016 the operator of the car wash changed hands to the current operator, who took control of the wider site. The queuing system of the car wash was altered with the car washing process being immediately behind the former ancillary Class A1 shop and continued along the site boundary with 246 Liverpool Road (in areas of the site where car washing was not permitted under the previous temporary approvals). Valeting of cars took place under the canopy, where cars were previously washed. The washing of cars continued to generate complaints from neighbours in relation to noise and spray, with neighbouring properties to the rear on Howick Park Avenue also submitted complaints Environmental Health.

3.9 On 24 June 2016 application 07/2016/0209/FUL for a change of use of part of existing building to a tool hire office, erection of 3m high screen to side, washing and rinsing areas for car wash and the erection of a building for MOT's and car servicing and tool hire storage. This application had sought to regularise the situation on the site but was refused on three grounds. The reasons for refusal were:

“1. The proposed hand car wash, with use of jet-washing equipment, would have a detrimental impact on the residential amenities of the owners/occupiers of residential properties in close proximity to the site, particularly 246 Liverpool Road, through noise disturbance. As such, the proposed development is contrary to Policies B1(c) and G17 of the South Ribble Local Plan (2012-2026).

2. The proposed MOT/car repair garage and tool hire storage building, by virtue of its design and proximity, would have a detrimental impact on the residential amenities of the owner/occupiers of residential properties to the north on Howick Park Close, through noise disturbance. As such, the proposed development is contrary to Policies B1(c) and G17 of the South Ribble Local Plan (2012-2026).

3. The cumulative impact of the proposed development, which comprises of 3 uses that have the potential to generate noise in close proximity to residential properties, would have an adverse impact on the residential amenities of the owners/occupiers of residential properties in close proximity to the site. As such, the proposed development is contrary to Policies B1(c) and G17 of the South Ribble Local Plan (2012-2026).”

3.10 Two Enforcement Notices were issued on 9th May 2017 which would have become effective on 8th June 2017 although this date has been put on hold pending the outcome of this planning application. One relates to the change of use from a petrol filling station to a mixed use consisting of the use of the building for a tool and plant hire officer; the use of the site for car washing and the storage of gas bottles and tool and plant hire equipment. The second notice relates to the erection of a 3m high advertisement frame. These are on hold pending the outcome of this planning application and will become effective should this application be refused, with a 7 day period for compliance.

4. Proposal

4.1 The application consists of a number of element and proposes the erection of MOT station/tool hire storage building, the conversion of the former retail outlet to a tool hire company office and waiting room for car wash customers (part retrospective), the use of land as car wash facility, the erection of associated acoustic screens (not retrospective); the use of land for sale of gas storage bottles; and the erection of a 3 metre high free standing metal frame.

4.2 **MOT station/tool hire storage building** - This new building is to measure 20.8m by 16.9m with a monopitch roof over with a maximum height of 5m reducing to a height of 4m. It would be constructed in grey corrugated steel cladding to the walls and roof with two roller shutter doors to the main front elevation facing south-east and two doorways to the north-western elevation. The building would be located to the northern most part of the site.

4.3 **Conversion of the former retail outlet to a tool hire company office and car wash waiting room** - The existing building is to be converted internally to provide a tool hire office to the rear with a reception area, store room, kitchen, WC and admin office. A car wash waiting area will be formed to the front part of the building.

4.4 **Use of land as car wash facility** - The existing forecourt with canopy over is used as a car wash facility and was subject to temporary planning approval under application 07/2014/0033/FUL for a period of 2 years. The area for carry out the various car wash processes has change from that previous temporary permission. Vehicles will access the site from the existing site access and drive along the buildings south-western elevation, around the rear and along the north-eastern elevation to the valeting bay where the vehicles will be washed. This is located to the front of the building.

4.5 **Erection of acoustic screens** - A 2m high timber fence will be erected within the site to partially separate the MOT building and associated parking from the car wash route around the building. A 3m high acoustic fence will be erected to the north-eastern boundary with 246 Liverpool Road and a further 3m high acoustic fence to the south-western boundary with 250 Liverpool Road.

4.6 **Use of land for sale of gas storage bottles** - An area to the south-eastern boundary is proposed for the storage of gas bottles within 2 side-by-side containers of 2.4m wide by 1.2m high and 0.6m deep.

4.7 **Erection of a 3 metre high free standing metal frame** - A signage structure capable of displaying 3 signs and measuring 5.2m wide by 2.8m high with metal frame is located adjacent the north-eastern boundary with 246 Liverpool Road, 10m back from the site exit.

4.8 **Parking** - Two MOT parking bays would be provided immediately to the front of the MOT building with a further three to the south-western boundary and a further six to the northern boundary. Five further spaces for the tool hire business would also be located to the south-western boundary.

4.9 In addition to the proposed development, the site has 11 lighting columns to the north-eastern and south-western boundaries. The columns are 6m tall with 80cm wide by 18cm high 50 watt LED lights on top. The site layout plan indicates the lighting was originally previously approved under planning permission 07/2000/0628. However, there is nothing on this application relating to the lighting columns.

4.10 The proposed hours of use are 08:30am to 17:00pm Monday to Saturday and 10:00 to 16:00pm on Sundays and Bank Holidays.

5. Summary of Publicity

5.1 Forty-seven neighbouring properties were notified and a site notice posted with 24 letters of representation being received. Six were in support of the application, commenting as follows:

- Great example of supporting local people to open a business
- Will bring job opportunities which local community needs
- Very handy to be able to purchase gas bottles for bbq
- Proposal will be a good use of what is a difficult space
- Good use of former petrol station
- Car wash and MOT station provides a useful service to area
- No local tool hire companies in area so this will be a useful local service
- Site ideally located on the A59
- Small local family run business who offer a service to the area
- Proposal would be great for business

5.2 Eighteen letters of objection commenting as follows:

- Business causes noise and nuisance pollution to neighbours 7 days a week
- Approx. 300 cars a day coming onto the site
- Giving permission will allow more heavier traffic delivering and disposing of MOT equipment
- Sited in a residential area
- This type of business should be on an industrial estate
- Operatives show no respect to neighbours
- Adverse effect on the residential amenity of neighbours in terms of noise and disturbance
- Out of character with area
- Design of buildings not sympathetic to the residential neighbourhood
- MOT garage would back onto residential gardens
- MOT garage will be just 10m from property boundary
- Will result in site becoming a small industrial estate
- Visual impact of the fencing would be an eyesore
- Who would want a boundary fence of 3m in height next to their property
- Maintenance of fence
- Impact of 3m high fence on neighbouring property due to its height and proximity
- Impact on highway safety
- Impact on neighbourhood in terms of noise, smells, residual run-off, wind-blown pollution and increased traffic
- Current operators are trading illegally
- Do not want access down the un-adopted road between 262 and 264 Liverpool Road
- Why has this application been allowed to be submitted when last one was refused and enforcement notices served!
- This is almost identical to last year's application, what has changed?
- What has happened to the enforcement action?
- Planning was refused in 2016 but business has continued to operate, increased the jet wash capacity, introduced a tool hire business, erected a 3m high advertisement continued with gas sales and also manufactures and sells trailers
- Applicant has demonstrated a total disregard to any decisions or procedures
- Site operates 362 days a year, 7 days a week
- Proposal to mitigate against noise are not realistic
- Effects of vehicle emissions, plant hire emissions and MOT garage emissions and the pollution they will cause
- closing doors would be a health and safety issue

- Effect of car wash emissions
- MOT garage and plant hire proximity to residential properties

5.3 Additionally one of the local Ward Councillors has also objected on behalf of local residents on the ground of loss of amenity due to noise. The Councillor commented on the neighbouring property's right to light and the impact the 3m high acoustic screen would have on the adjacent property.

6. Summary of Consultations

6.1 **County Highways** raise no objections to the proposal and consider them to have a negligible impact on highway safety and capacity in the vicinity of the site.

6.2 **Environmental Health** initially commented that they were unable to fully support the proposed development. The decision was based upon the submitted noise report which failed to provide justification that the proposed barrier is of an adequate height and construction to reduce the noise to a suitable level. Therefore Environmental Health recommended refusal until justification for any reduction to the adverse impact from noise was provided. As a result the applicant submitted a response to the comments which Environmental Health considered but they remained of the view that the application should be refused. Further details of this are included in the 'Noise' section of this report.

6.3 However, if the application is approved, Environmental Health required a number of conditions be imposed. These are in respect of the process layout for the car wash to ensure that it is as per the location plan provided in appendix 1 of the noise assessment dated 6th March 2017; that water spray related to the process shall not pass beyond the site boundary; that a full structural survey be undertaken to identify the suitability of the current drainage scheme; that the operating times are restricted; that details of the building materials and the sound reduction measure be submitted; and that the use of machinery, plant or powered tools be restricted

6.4 **United Utilities** have no objections to the proposal but require a number of conditions be imposed in respect of the submission of a surface water drainage scheme and a sustainable drainage management and maintenance plan. They also comment that a public sewer crosses the site and they require an access strip width of six metres, three metres either side of the sewer.

6.5 **Environment Agency** comment that the previous use of the site as a petrol filling station present a high risk of contamination that could be mobilised during construction to pollute controlled waters. Had this not been a retrospective application they would have recommended a condition be imposed requiring the submission of a remediation strategy to deal with risks associated with contamination of the site prior to commencement of the development.

6.6 **Penwortham Town Council** have serious concerns and comment that the recent use of the site, using high powered washing facilities has become a problem to the local community and the noise pollution associated with this equipment creates an unnecessary disturbance. The use of the site as a tool hire company with large plant movements at all times of the day and night and at weekends caused intolerable disruption to neighbouring properties.

7. Policy Background

7.1 **National Planning Policy Framework**

- Paragraph 19 states that planning should operate to encourage, and not act as an impediment to, sustainable growth.

- Paragraph 21 states that “Investment in business should not be over-burdened by the combined requirements of planning policy expectations”.
- Paragraph 65 states that Local Planning Authorities should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- Paragraph 123 talks about the fact that noise from new development should not have a significant adverse impact on health and quality of life. It continues to state that planning decisions should aim to mitigate and reduce to a minimum, adverse impacts, such as noise by the use of conditions. However, it also recognises that development will often create some noise.

7.2 **Central Lancashire Core Strategy**

- **Policy 1: Locating Growth** encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble. In Penwortham the focus is on the regeneration of the District Centre.
- **Policy 9: Economic Growth and Employment** encourages economic growth in existing main urban areas.
- **Policy 10: Employment Premises and Sites** seeks to protect employment premises and sites last used for employment for employment use within the B Use Class. Proposals on employment sites/premises for re-use or redevelopment other than B Use Class employment will be assessed under a number of criteria, which are set out in the policy.
- **Policy 29: Water Management** aims to improve water quality, water management and reduce the risk of flooding through a number of measures, including the adoption of Sustainable drainage Systems.

7.3 **South Ribble Local Plan 2012 - 2026**

- **Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.
- **Policy G14: Unstable or Contaminated Land** has a presumption in favour of the redevelopment of previously developed land. However, previously developed land can be unstable and subject to contamination and therefore development will be subject to a number of criteria. These include the requirement for applicants provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards.
- **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in **Policy F1**.

8. **Material Considerations**

8.1 **Access, Parking and Highway Safety**

- 8.1.1 The site has a longstanding commercial history and, when used as a petrol filling station, the site access would have been used by a high number of vehicles. The proposed development will be accessed from the existing site access on Liverpool Road. County Highways are satisfied that the proposed access arrangements are acceptable. The available sight lines from the site's access onto Liverpool Road are acceptable based on the recommendations from Manual for Streets. They also confirm that the proposed site layout and parking provision is acceptable.
- 8.1.2 County Highways have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates that there has been three slight incidents within the vicinity of the site. On investigation of the details recorded, the incidents appear to be of a nature that would not be worsened by the proposed development.
- 8.1.3 Taking the above into consideration, County Highways confirm they do not have any objections to the proposals and consider them to have a negligible impact on highway safety and capacity in the vicinity of the site.

8.2 Noise

- 8.2.1 Neighbouring residents have objected on the grounds of noise and disturbance from the site, commenting that there is a significant amount of disturbance with car wash equipment being operated in close proximity to residential boundaries. This noise and disturbance has been ongoing for well over a year and that the current designated wash area is not being adhered to. Furthermore, the business operates all weekend and bank holidays so there is no respite from the activities and subsequent noise.
- 8.2.2 A Noise Assessment report dated 6th March 2017 was submitted in support of the application, undertaken to predict the potential impact of the development. Measurements were made in the residential garden at 246 Liverpool Road to identify the existing background noise levels in the vicinity of the site. A computer noise model was used to predict the noise from activities associated with the development when in use. A British Standards assessment was then carried out to ascertain the likelihood of significant impact to nearby Noise Sensitive Receivers (NSRs). Noise modelling was also used to predict the site activity noise levels at the nearest dwellings. Noise levels were found to be between +3 dB and +17 dB above the lowest measured 'typical' background level during full daytime activity at the site. This may equate to a 'significant adverse' impact at some of the NSRs. Therefore mitigation measures are proposed in order to reduce the predicted noise levels. With the additional mitigation in place the levels are predicted to be between -7 dB and -1 dB, which means that the noise effect at NSRs can be considered 'low impact'.
- 8.2.3 The proposed mitigation measures are in the form of locating the spray jets in the centre of the forecourt, away from the adjacent houses; locating the spray pumps and vacuum internally within one of the buildings; ensuring that the MOT/Tool hire building openings face away from the nearest NSRs to the north; incorporating a timber fence at the rear of the site; incorporating a 3m acoustic screening barrier at the east perimeter and; giving consideration to the selection of spray jet nozzles to minimise noise and water pressure; an additional 3m high barrier to the other side of the forecourt and keeping building openings closed during internal operations.
- 8.2.4 Environmental Health duly considered the Noise Assessment Report and initially commented that the report failed to provide justification that the proposed barrier is of an adequate height and construction to reduce the noise to a suitable level, although a barrier calculation would generally suffice in providing this justification. Further to Environmental Health's comments, a response from the applicant's acousticians was received, setting out their views. This was then considered by Environmental Health

who advised that they are unable to fully support the proposed development and recommend that the application be refused:

“This decision is based upon the submitted report which has failed to provide justification that the proposed barrier is of an adequate height and construction to reduce the noise to a suitable level, a barrier calculation would generally suffice in providing this justification.

The author has stated that he has worked to the lowest measured LA90 levels, however in Table 5 the lowest figure is LA90 43.1dB. It seems that the author has used an average background which would provide a sound level of LA90 45dB. The report should be corrected to represent how the background is calculated.

Furthermore there has been no justification to reduce the acoustic feature correction, following the provision of the acoustic fence to NSR 1 and 2. To justify a reduction of these features a third octave analyse would assist in the identification of any mitigation is provided. In addition the acoustic feature corrections provided in table 9 should be increased for the following reasons.

Tonality - NSR 1 and NSR 2 should be provided with the same correction of 4 dB, it is perceivable to have equal impact upon both residents, since the distance to the source of the noise is similar, therefore I feel it would be 'clearly perceptible' at both properties.

Impulsivity The author has highlighted the garage to be the only source of impulsivity, however the nature of the jet washers being turned on and off would create an impulse. However I agree with the corrections provided by the author as 'clearly perceptible' or highly perceptible.

Intermittency - BS 4142: 2014 mentions that the specific noise has an identifiable on/off, in this case as the author has identified this will be the case for NSR 2.

However there has been no correction added to NSR 1 even though they will be exposed to a similar noise source.....

Taking this into account even after the installation of an acoustic fence the author has predicted a reduction for specific noise, however as previously mentioned no justification has been given for the reduction of the acoustic feature correction or provided a barrier calculation to determine the height of the fence (8.1.7 'These are both assumed to provide effective acoustic screening'). Therefore NSR 1 and 2 are still potentially exposed to levels of sound equating to SOEL. Therefore I recommend refusal until justification for any reduction to the adverse impact from noise is provided.”

8.2.5 The proposed MOT/Tool hire uses will only operate during usual working hours and not on Sundays and Bank Holidays. There would be no outside working and no external storage of materials associated with the MOT/tool hire element. The noise mitigation measures include that the doors are kept closed during internal operations. However, it is questioned whether it is feasible to ensure that building openings are kept closed during working operations, given the nature of the work which will involve running engines etc. The proposals do not include any alternative ventilation or extraction mechanisms.

8.2.6 Whilst it is considered that the applicants have sought to address many of the issue raised with the last application, particularly of noise and disturbance by introducing a number of mitigation measures, these themselves will have other impacts on neighbouring residents and the area. The following paragraphs give an assessment on the impact on residential amenity and the character and appearance of the area.

8.3 Relationship to Neighbours

8.3.1 Neighbouring residential properties are located to the site's boundaries on Howick Park Close, Howick Park Avenue and Liverpool Road. The proposed MOT/Tool Hire building is located to the north-western part of the site with residential properties on Howick Park Close adjacent the rear elevation of the proposed building. This

elevation will be 4m in height and have two doors. A 2m high timber fence is proposed set 1m off the rear of the proposed building with the site's boundary being between 4m and 6m beyond this fence. The area between is within the red edge location plan but is currently fenced off and is overgrown and does not form part of the proposals. It is considered that the building will not unduly impact on neighbouring residential properties due to the intervening land and 14.5m separation distance, particularly as the building is single storey in scale and the overgrown area will partially screen it from view from the rear windows of residential properties.

- 8.3.2 To the south-western boundary is 250 Liverpool Road, a residential property with substantial two storey scale garage/workshop building to its rear. The common boundary is a 1m high fence, rising to 1.8m towards the rear where the garage building is located. The dwelling has two ground floor and two first floor windows in its elevation facing the application site. The proposal includes a 3m high acoustic fence along part of the common boundary, approximately 17m in length, and 5m from the side elevation of 250. Parking for 5 vehicles is proposed adjacent the boundary together with a further 3 spaces adjacent the garage/workshop building and the storage area for gas bottles is also adjacent the boundary. It is considered that there will be no additional impact on the residential amenity of 250. The car washing activity is some distance from the dwelling with the parking adjacent the boundary largely being mitigated by the proposed 3m high acoustic fence. The vehicle route along this boundary will not be dissimilar to the previous use as a petrol filling station.
- 8.3.3 To the north-eastern boundary is No 246 Liverpool Road, a detached residential property. It has three ground floor and one first floor windows adjacent the site with the boundary being an approximately 1.4m high concrete fence adjacent the property and a 2m high fence with approximately 3m high Leylandii hedge adjacent the rear garden of 246. Vehicles will pass along this boundary to the front of the site's existing building to be washed. The proposal includes a 3m high acoustic fence along the majority of this common boundary together with a 3m high advertisement sign which has already been erected. This fence will be between approximately 0.6m and 1.0m off the side elevation of the dwelling.
- 8.3.4 The residents of 246 have objected to the proposal raising several issues, including the visual appearance of the proposed 3m high acoustic fence and its impact on light to the ground floor windows. They also object to the steel advertising structure that is located close to the boundary fence again causing light interruption and which they consider should be removed.
- 8.3.5 The occupants of 246 also comment that their front drive is continually affected by spray from the car washing activities being conducted close to the boundary. As such they suggest that a 1.8m brick wall be built on the boundary between their property and the application site which would allow for light over, and that the front part be clear Perspex screens to protect their driveway from the continuous spray. However, the purpose of the 3m high acoustic screen is to protect the residential property against noise and is based on the submitted noise report conclusions. To alter the height and materials would alter the level of protection. It is considered that the acoustic screen would also serve to protect against spray to the driveway.
- 8.3.6 As part of the previously refused scheme the officer's report indicated that: *"Along the eastern boundary of the site a 3m high polycarbonate screen is proposed against the existing 1.8m high timber fence that forms that party boundary with 246 Liverpool Road. A 3m high Leylandii hedge is also present along part of this boundary. The combination of the existing boundary treatment, the polycarbonate material allowing light through and the only windows present on the western side of 246 Liverpool Road being secondary windows to habitable rooms results in the proposal not having*

a significant impact on the amenities of neighbouring properties in terms of overshadowing/overdominance and overlooking/loss of privacy”.

- 8.3.7 At the time of the case officer's site visit for this current application, it was noted that the Leylandii hedge has been removed adjacent to the side elevation of 246 and that the no polycarbonate screen was present.
- 8.3.8 It is considered that the introduction of a solid acoustic fence will have a detrimental impact on the side facing windows of 246 Liverpool Road, in terms of appearing overbearing, overshadowing and will result in loss of light to those windows. It has been established with the occupant that the two windows towards the rear of the side elevation are windows to the room mainly used for day to day living. There is a conservatory to its rear which is glazed and does allow light into the room but the main source of light is from the two side facing windows. The close proximity of the acoustic fence would result in loss of light to those windows and would appear overbearing due to its close proximity. The side elevation of the conservatory is glazed, however the introduction of a 3m high acoustic screen adjacent to this conservatory would have no additional impact due to the proximity of existing Leylandii trees. Although it is noted that since the previous application was considered and determined, the Leylandii trees that were adjacent to the side elevation of 246 have been removed, the assessment of this planning application has been carried out in terms of the current situation on site with the view that the proposed acoustic fence would have an impact on 246.
- 8.3.9 The proposed acoustic fence runs along to the front boundary of the application site. No 246 has trees to the southern corner of its front garden area and a Leylandii hedgerow boundary. The ground floor front facing window is to the property's lounge. The erection of a 3m high fence along the common boundary in this location will be partially obscured by the existing trees and hedgerow. However, the hedgerow does not extend all the way up to the front of the property, with a 'gap' where light can penetrate. The proposed acoustic fence will effectively close this gap, reducing the amount of light to the lounge and will also have an impact on the visual amenity of the occupants of that property when viewed from the lounge window.

8.4 **Impact on Character of Area**

- 8.4.1 Although located on the busy A59, the character of the area in which the application site is situated is that of a mainly residential street scene which is softened by a great amount of hedgerow and tree boundary planting with some low red brick wall boundaries. This results in a pleasant and well maintained character.
- 8.4.2 The application site was previously a petrol filling station with the canopy and forecourt remaining. Therefore the re-use of the site as a car washing facility will not greatly alter the character and appearance of the area along this stretch of Liverpool Road. The proposed MOT building is to the rearmost part of the site and therefore will not be viewed in the street scene of Liverpool Road. However, the introduction of a 3m high acoustic fence, albeit partially obscured by the hedge and trees present in the front garden of 246 Liverpool Road when viewed from the north-east looking south-west, would have an impact on the character and appearance of the area in terms of its height, scale and visual appearance. Furthermore, the introduction of the 3m high advertisement board adjacent to the acoustic screen would further add to the visual impact. Although the acoustic fence and advertisement structure are viewed as part of the former petrol filling station site, they are also viewed against the existing residential properties and their domestic gardens. The acoustic fence and advertisement structure are therefore considered to be out to keeping with the area in terms of scale immediately adjacent to residential properties.

8.5 **Design and Appearance**

- 8.5.1 The proposed MOT/Tool hire building is design to be a functional one and would be constructed in grey corrugated steel cladding with grey composite door and roller shutter doors. Due to the location of the building to the rear of the site, there is little visual impact on the street scene. The proposed building would have some impact on a small number of surrounding dwellings but due to the separation distance from these dwellings and the intervening overgrown land, the views of the building would be minimised. As there are no windows in the proposed building overlooking neighbouring gardens and the building would only be used during normal working hours, the proposal will have no undue impact on the privacy and amenity of existing residents. As such the proposed MOT/Tool hire building is compliant with Policy G17 in respect of its design and appearance.

8.6 **Employment**

- 8.6.1 The use of the former petrol filling station as a car wash together with the new building for use as an MOT station and tool hire business are all employment generating uses with 20 full time employees indicated on the application form. There is national and local policy support for employment generating uses. However, this must be balanced against the impact the proposed development will have on residential amenity and the amenity of the area as a whole. As indicated above in the 'Relationship to Neighbours' section, in order to achieve noise levels that do not result in a 'severe' adverse impact, the mitigation measures proposed will have a detrimental impact on the residential amenity of the neighbouring property. Whilst it is accepted that the refusal of this application will result in loss of existing employment at the site, it is considered in the overall planning balance, that the harm to residential amenity is not outweighed by this consideration.

8.7 **Drainage**

- 8.7.1 No details have been submitted in respect of the drainage for the site. However the application forms indicate that this will be to the mains sewer. United Utilities have no objections to the proposal but require a number of conditions be imposed should permission be granted in respect of the submission of a surface water drainage scheme and a sustainable drainage management and maintenance plan. They also comment that a public sewer crosses the site and they require an access strip width of six metres, three metres either side of the sewer.

8.8 **Contamination**

- 8.8.1 The Environment Agency have made comment in respect to the previous use of the site as a petrol filling station which would present a high risk of contamination. The EA consider that the contamination could be mobilised during construction to which could pollute controlled waters. Had this not been a retrospective application they would have recommended a condition be imposed requiring the submission of a remediation strategy to deal with risks associated with contamination of the site prior to commencement of the development. It must be noted that this is a 'part' retrospective application. Therefore, if committee are minded to approve the application, this condition would need to be imposed.

8.9 **Lighting**

- 8.9.1 The submitted supporting statement indicates that lighting columns around the site is existing lighting which is to be retained and was previously approved under planning permission 07/2000/0628. These will be resurrected and will have 50 watt LED type lights. However, on checking the planning application 07/2000/0628, there appears to be no reference to lighting columns on this application. However, if the lighting columns have been in-situ in excess of 10 years they would be immune from Enforcement Action.

8.10 **Enforcement Action**

8.10.1 Two Enforcement Notices were issued on 9th May 2017 which would become effective on 8th June 2017, although the date for compliance has been put on hold pending the outcome of this planning application. One relates to the change of use from a petrol filling stations to a mixed use consisting of the use of the building for a tool and plant hire officer; the use of the site for car washing and the storage of gas bottles and tool and plant hire equipment. The second notice relates to the erection of a 3m high advertisement frame.

8.10.2 It must be noted that it is unusual for Enforcement action to be taken while a planning application is pending. In this case the application was submitted on 20 March 2017 but was found to be invalid, only becoming valid on 15th May. The Enforcement Notices were served on 9th May, after submission but before the application was valid.

8.10.3 If this application is refused, the requirements of the Enforcement Notices will take effect and the applicant will have 7 days to comply with them or, if this application is approved, the Notices will be withdrawn.

8.11 **Conclusion**

8.11.1 The proposal for a change of use of the site for use as a car wash facility together with the erection of a building for an MOT station and tool hire storage building on the site of a former petrol filling station would bring this site back into economic use and provide jobs and services to local residents. However, it is considered that the development would result in an unacceptable level of noise and disturbance to neighbouring residential properties with the applicant failing to demonstrate that the proposed noise mitigation measures are adequate to overcome the noise and disturbance. Furthermore, the mitigation measures include a 3m high acoustic fence which would result in loss of light and appear overbearing and cause overshadowing to the adjacent property 246 Liverpool Road. The acoustic fence would also be viewed in the Liverpool Road street scene and would not be in keeping with the overall character and appearance of the area. On balance it is considered that the harm caused to the neighbouring residential properties and particularly 246 Liverpool Road, outweighs the benefits of the scheme.

9. **Recommendation**

9.1 Refusal.

10. **Reasons for Refusal**

1 The development would result in an unacceptable level of noise and disturbance to neighbouring residential properties and the applicant has failed to demonstrate that the proposed noise mitigation measures are adequate to overcome the adverse impacts caused by noise. The proposal would be seriously detrimental to residential amenity and therefore, is contrary to Policy 17 criteria c) and d) in the Central Lancashire Core Strategy.

2 The proposed 3m high acoustic fence along the boundary with the adjacent residential property 246 Liverpool Road, will have a detrimental impact on the residential amenity of the occupant of that property by virtue of its size, scale and proximity. Additionally, due to the location of the 3m high acoustic fence, it will have a detrimental impact on the character and appearance of the area, contrary to Policy G17 in the South Ribble Local Plan.

11. **Relevant Policy**

11.1 **National Planning Policy Framework**

- 11.2 **Central Lancashire Core Strategy**
 - 1 Locating Growth
 - 9 Economic Growth and Employment
 - 10 Employment Premises and Sites
 - 29 Water Management

- 11.3 **South Ribble Local Plan 2012-2026**
 - B1 Existing Built-Up Areas
 - G14 Unstable or Contaminated Land
 - G17 Design Criteria for New Development