
APPLICATION DETAILS

Application No:	23/0308/COU
Location:	Land to rear of, North Ormesby Institute, Middlesbrough
Proposal:	Change of use of part rear car park to hand car wash (Sui Generis) including canopy and portacabin for staff use
Applicant:	Amir Ahmadi
Agent:	Lee Wardman
Ward:	Park End/Beckfield
Recommendation:	Approve with conditions

SUMMARY

Permission is sought for the change of use of land to the rear of the North Ormesby Institute to be used as a hand car wash (sui generis), the erection of a canopy and a portacabin for staff use.

Following a consultation exercise objections were received from 4 properties. The objections related to noise, privacy, scale, design and appearance, traffic matters and flood risk, drainage matters.

The proposed use is considered to be a suitable sustainable use for the site. It is in a mixed use location on an existing commercial site with good links to existing transport networks. The separation distance to neighbouring residential properties, the scale and design of the proposed structures, their location on the site, and the proposed operating hours, reduces the impact on the residential properties as a result the impact is minimal and will not be significantly detrimental to the amenity of residents. The development is considered to be in accordance with the requirements of Policies DC1, CS4 and CS5. The recommendation is for approval with conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located to the rear of the North Ormesby Institute (which is a social club) to the west of Ormesby Road opposite the junction with Balmoral Road. The area to the rear is currently used as a car park. The application site is located immediately adjacent to the building. To the east is the North Ormesby Institute, to the north are residential dwellings separated from the site by an area of open space. To the south is a building comprising a number of retail uses including Asda and Iceland with associated car parking. To the west the wider car park separates the site from an area of open space and some residential dwellings.

Permission is sought to change the use of part of the site to a hand car wash. The use will include the erection of a canopy, a portacabin for staff use and the use of one of the store units to the rear of the North Ormesby Institute for storage of equipment. Part of the existing enclosed yard will also be used for waste storage.

Works have commenced on site including works to install a drainage system and to erect the canopy, the use did not commence. Following contact from the Planning Authority advising that work should stop until the application has been considered work on site stopped.

PLANNING HISTORY

No relevant planning history.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise 34 neighbouring properties were consulted. One resident contacted the Planning Officer to confirm the access to the site and then confirmed that they had no objections to the development. Four objections were received from residents. The objections are summarised below.

Resident Objections:

1. Increase in traffic on Ormesby Road;
2. Persons using the club parking on the road not in the car park;
3. Noise disturbance from equipment and vehicles;
4. Privacy;
5. Eyesore;
6. Scale of development;
7. Lack of information;
8. Inadequate drainage details and information relating to disposal of chemicals/cleaning agents used;
9. Use of water and climate change;
10. Increase risk of flooding;
11. Aerosol vapours; and,

12. Antisocial hours of work/opening times.

Received From:

1. 1 Sylvan Walk;
2. 2 Sylvan Walk;
3. 3 Sylvan Walk; and,
4. 2A Lealholm Crescent.

Planning Policy - MBC

In accordance with Policy CS4, the development would see the use of previously developed land in an accessible location. The principle of the development is acceptable.

Environmental Health - MBC

Need to consider the noise from pressure washers on surrounding dwellings and businesses. Not EHTS issue but a trade effluent consent from Northumbrian water may be required. No objection raised.

Waste Policy – MBC

No Comment

Highways - MBC

No response

Local Flood Authority – MBC

No response

Ward Councillors - MBC

No response

PLANNING CONSIDERATION AND ASSESSMENT

1. During the application process, following comments from consultees and the Local Planning Authority, revised details were submitted. The revised scheme replaced a caravan with a portacabin for the staff facilities and included details of the proposed canopy.
2. The revised scheme is the subject of this report.

Principle of Development

3. The application site has no local plan allocations. As the application is for part change of use to hand car wash the above policies will apply. Policy CS4 requires all development to achieve sustainable development. This includes contributing to sustainable economic development to support efficient, competitive and innovative business, commercial and industrial sectors; making the most use of efficient land, with priority being given to previously developed land, and being located so that services and facilities are accessible on foot, bicycle, or by public transport.
4. In accordance with Policy CS4, the development would see the use of previously developed land in an accessible location. The development is therefore acceptable in principle.

Design and Appearance/Streetscene

5. The site is located to the rear of the existing club building in an area that has a large amount of space for parking and servicing of the building. There is a high palisade fence that runs around the boundary of the site with areas of landscaping including trees and bushes both in the application site and immediately outside the boundary. These pockets of landscaping both partially screen and soften the appearance of the site. To the east of the site the landscaping is sparser however the green areas still continue to provide a buffer between the building and the site.
6. The proposed canopy will retain clear views under it to the rear of the building, and the canopy itself will be viewed with the building as the immediate backdrop. It is relatively shallow in its pitch and will not be overly dominant in its appearance due to its scale, its orientation on site and position set back from the front elevation of the nearby residential properties by over 40m.
7. The proposed portacabin, to provide space for the staff, will be located adjacent to the building and the existing fenced compound within the site. Existing structures on the site and landscaping around the site will significantly reduce the visual impact of the portacabin when viewed from neighbouring properties. The portacabin itself is typical in its scale and design and will not be out of keeping with the existing rear/service area and the appearance of the back of the existing club building.
8. The proposed structures are considered to be in accordance with the requirements of Local Plan Policy CS5 and will not adversely impact the streetscene or dominate views from neighbouring properties.

Amenity

9. A number of residential dwellings front the site at a separation distance of over 40m. Existing trees and bushes are located in some areas around the boundaries of the site.
10. The use of the site as a hand car wash will result in some noise from the equipment used including the pressure washer. Environmental Health have been consulted on this application and have not raised any objections to the proposed development. Nor have they requested any specific conditions be placed on the application should it be approved. The noise from the pressure washer and other equipment will have some impact on the residential properties however the separation distance between the proposed car wash and the properties is significant and will reduce the impact of any noise. The site is a large car park and service yard associated with the social club. It is likely that it will already generate some noise from vehicles on the site. Vehicles entering and leaving the site to use the car wash will be no different from its existing use.
11. The submitted details propose opening hours between 9am to 6pm on Mondays to Saturdays and 10am to 5pm on Sundays and Bank Holidays. These hours are standard day time hours for a use such as a car wash. The hours are not during quieter times of the day such as early mornings or late in the evening and they are not considered to be antisocial hours as stated in one of the objections. As a result there will not be any increased noise as a result of the use taking place at unacceptable times of the day.

12. Comments relating to existing noise issues associated with the use of the social club on an evening and during the night are not material to this planning application. The use of the car wash will be operating during the daytime. Noise nuisance from the club is dealt with under separate Environmental Health legislation.
13. Comments have been received in relation to vapours from the use. Whilst there may be some vapours from the spray they are not likely to reach the residential properties, or even the public footpaths which are located between the houses and the site, due to the significant separation distances.
14. Objections have been received in relation to an impact on the privacy of residents. The site is currently a car park that can be accessed by persons using the club. The proposed use will not alter this. It should also be noted that there are adopted public footpaths located between the site and the residential properties that allow persons to walk past and see into the residential properties at any time. As a result the impact of the proposed development in relation to the privacy of residents is no greater than the impact of the current use of the site. And any persons on the site are further away from the residential properties than any persons who use the public footpaths right outside the residential properties. There is no impact on the rear of properties that benefit from being much more private than the front of properties.
15. The development is considered to be in accordance with the requirements of Local Plan Policy DC1 in relation to the impact on the amenity of neighbouring properties.

Flood Risk and Drainage

16. Drainage has been clearly shown in the submitted details and includes the use of a sump separator specifically designed for hand car wash bays. The sump separator stores water and separates silt and dirt from the water before it enters the foul drainage system. The applicant may also need to seek a trade effluent consent from Northumbrian Water. This is separate to the planning process.
17. The development will not result in an increase risk of flooding and suitable controls are proposed to prevent pollution of the water systems. The development is considered to be in accordance with the requirements of Local Plan Policies DC1 and CS4.

Highways

18. The site is located within a large car park at the rear of the existing social club. The car park provides ample space for parking and the use of part of the site for a car wash will not result in an unsuitable level of parking for the club. One objection has been received in relation to existing parking issues in the surrounding area stating that people who use the club do not park in the car park, they park on the surrounding streets. When assessing the application we have to consider the provision at the site. As stated the car park is very large and is more than adequate for the size of the existing club. If people are choose to park elsewhere the is outside of planning control. When the planning officer visited the site there was a good level of managed on street parking available along Ormesby Road and no restrictions in place to ensure that only residents park there. Given that any visitors to the car wash will be using the car park to the rear of the site, as they will need to bring there cars onto the site to get washed. The proposed development will not result in an increase

in vehicles parking on the surrounding streets. Any increase of traffic to the site will not be significant to the overall safety and capacity of Ormesby Road.

19. The proposed plans show a one way system with cars entering through the existing access to the south of the club building, using the car wash and leaving through the access to the north. Whilst there is evidence of an existing access to the north works will be required to open this space up and clear weeds and debris. This may result in the removal of a number of trees to the north of the site that sit just within the boundary of the site. The access to the north is also very narrow with a pinch point of approximately 2m in width. Whilst the use of the one way system is acceptable in planning terms it may not be feasible on site due to the narrow nature of the northern access.
20. The access to the south currently serves as the entrance and exit to the car park. Whilst it is not wide enough for two lanes it is open with clear views down the access allowing cars to clearly see if the access is clear. There is ample space at either end of the access road for cars to wait for a vehicle coming in the opposite direction to clear the access road before they use it. As a result it is the planning view that the existing access to the south is also capable of serving the car wash as an entrance and exit without the need to use the access to the north.
21. The proposed development is considered to be in accordance with the requirements of policy DC1 in relation to the use, capacity and safety of the local highway network.

Other Matters

22. Concerns have been raised regarding the lack of information detailed within the consultation letter regarding the use of the car wash in relation to the number of staff, scale and the use of the caravan. However, the consultation letter is merely to advise people that the application has been submitted. The details of the application are available online to view. The consultation letter sets out where to view the details. This information is not put in the consultation letter as standard. The application states that there will be two staff and the caravan, which has now been changed to a portacabin is for an office and staff facilities.
23. With regards to the works that have been carried out on site. Planning legislation allows for applications to be submitted retrospectively. Residents had complained about work on site to Environmental Health, not the Local Planning Authority. Once the LPA were made aware the agent was contacted and advised that work should stop until the application seeking permission had been considered, and that if the works carried on they were at their own risk. When the planning officer carried out a site visit it was clear that whilst work had commenced on site, it had stopped following contact with the PA. Whilst it may be frustrating to residents that work has taken place without consent this is not a reason to refuse the application. If permission is not approved it will be necessary for the unauthorised works to be removed.
24. Concerns have been raised in relation to antisocial behaviour. The site is an enclosed secure site with palisade fencing around the site. The equipment will be locked in the existing storage room at the rear of the club. There is no indication that the use of the site will result in an increase in antisocial behaviour.

25. A number of the comments received are not material planning considerations, as a result they will not be considered as part of the analysis of this application. Such comments include: noise and disturbance from the construction works (this is dealt with through other legislation outside planning control); lack of ability to sleep during the day; any contact/discussions residents have had with the applicant or the club; the assumption that the opening hours for the car wash will not be kept; how often and where the toilet will be disposed of.

Conclusion

26. The proposed use is considered to be a suitable sustainable use for the site. It is in a mixed use location on an existing commercial site with good links to existing transport networks. The separation distance to neighbouring residential properties, the scale and design of the proposed structures, their location on the site, and the proposed operating hours, reduces the impact on the residential properties as a result the impact is minimal and will not be significantly detrimental to the amenity of residents. The development is considered to be in accordance with the requirements of Policies DC1, CS4 and CS5. The recommendation is for approval with conditions.

27. In order to ensure the impact of the development on amenities and the appearance of the streetscene are kept to a minimum, conditions will be used to restrict the opening hours and delivery/collection times to those stated in the amenity section of this report. It is also considered to be necessary to impose a condition relating to the type of car washing taking place on the site i.e. hand washing using a hand-held pressure washer. This will require any changes to the type of washing to be assessed through a further submission and allow assessment in terms of their impact on the amenity of residents, or their visual impact on the area to ensure that unacceptable impacts do not occur.

28. The recommendation is for approval subject to relevant conditions.

RECOMMENDATIONS AND CONDITIONS

Approve subject to the following conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan, drawing no. L023011-001;
- b) Proposed Site Plan, drawing no. L023011-003 rev. B;
- c) Proposed Welfare Building, drawing no. L023011-004;
- d) Proposed Canopy, drawing no. L023011-005; and,
- e) Morclean Car Valeting Wash By Sump Separators SS Details, received 30th

May 2023.

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

3. Hours of Opening/Use

The use shall not operate outside the hours 9am to 5pm Monday to Saturday and 10am to 5pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

4. Deliveries and Collections

Deliveries and collections to the rear of the premises including waste collection must be restricted to between the hours of 9am to 5pm Monday to Saturday and 10am to 5pm Sunday and Bank Holidays.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

5. Hand Car Wash

The approved use is for a hand car wash by handheld pressure washer. Any changes to the method of washing must be submitted to and approved in writing by the Local Planning Authority prior to such changes being implemented on site.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based, to protect the visual amenity of the area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

Reason for Approval

This application is satisfactory in that the design of the proposed change of use of part rear car park to hand car wash (Sui Generis) including canopy and portacabin for staff use accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with the NPPF. In addition the change of use of part rear car park to hand car wash (Sui Generis) including canopy and portacabin for staff use accords with the local policy requirements (Policies DC1, CS4 and CS5 of the Council's Local Development Framework).

In particular the change of use of part rear car park to hand car wash (Sui Generis) including canopy and portacabin for staff use is designed so that their appearance is complementary to the existing use of the site and so that they will not have a detrimental impact on the amenity of any adjoining or nearby resident. The change of use of part rear car park to hand car wash (Sui Generis) including canopy and portacabin for staff use will not prejudice the character and appearance of the area and will not significantly affect any landscaping nor prevent adequate and safe access to the site.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

- **Discharge of Condition Fee**
Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website
<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.
- **Statutory Undertakers**
The applicant is reminded that they are responsible for contacting the Statutory Undertakers in respect of both the new service to their development and the requirements of the undertakers in respect of their existing apparatus and any protection/ diversion work that may be required. The applicant is advised to contact all the utilities prior to works commencing.
- **Construction Noise**
The applicant should be aware that noise from construction work and deliveries to the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

Case Officer: Shelly Pearman

Committee Date:

Location Plan

