



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/17/00692/FPA

FULL APPLICATION DESCRIPTION: Change of use from car park to carwash (retrospective) (resubmission)

NAME OF APPLICANT: Mr Mohammed Mohaudin

ADDRESS: Lintzford Bridge Garden Centre
Lintzford Road
Hamsterley Mill
Newcastle Upon Tyne
NE39 1DG

ELECTORAL DIVISION: Leadgate and Medomsley

CASE OFFICER: Nick Graham
Planning Officer
Telephone: 03000 264 960
nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms part of an area of hardstanding to the south east of and associated with Lintzford Garden Centre. It occupies an area measuring approximately 500m² and is situated within the Lintzford Conservation Area and an Area of High Landscape Value.
2. To the north of the application site is the car park of the garden centre from which access is taken. The boundaries of the site to the main road (north west) and nearby dwelling (south) are predominantly a green vegetation-based boundary treatment with a 2.4 metre high green palisade fence within to the roadside. The nearest residential property, Steelclose House, is approximately 100 metres to the south of the application site, with the curtilage boundary comprising of fencing and woodland adjoining the site.

The Proposal

3. The applicant proposes to continue to operate a car wash and valet business from within the hardstanding area associated with the Garden Centre. The business has been in operation for approximately two years and involved the siting of a cabin building, creation of water recirculation system and water tanks, floodlighting affixed

to the cabin and the demarcation of valet areas within the site. The car wash business would operate from 9am to 5pm Mondays to Fridays, from 9am to 4pm Saturdays, and 10am to 3.30pm Sundays.

4. A previous application (reference DM/15/01106/FPA) was refused on three grounds under delegated powers in May 2016, these were:

-The proposal fails to satisfy the three stands of sustainability, with limited social and environmental benefits, resulting in the development being contrary to Paragraphs 7 and 14 of the NPPF.

-The proposed car washing facility would have inadequate wastewater drainage and management leading to significant impacts upon the wider natural environment over a prolonged period of time contrary to Paragraphs 109 and 120 of the NPPF.

-Noise and disturbance from the development would have a detrimental impact upon the quality of life of occupiers of neighbouring properties contrary to Paragraph 123 of the NPPF and Part H of Policy GDP1 of the saved Derwentside Local Plan.

5. A subsequent appeal (reference APP/X1355/W/16/3155833) was dismissed by the Planning Inspectorate in November 2016 on the first two grounds:

-The proposal would be contrary to the principle of the Framework of conserving and enhancing the natural environment, and would not satisfy the environmental role of sustainable development; therefore the proposal does not comprise sustainable development.

-The evidence provided is not sufficient to demonstrate that the wastewater drainage and management of the car wash operation is sufficient to not cause harm to the natural environment, particularly given the proximity of the site to water bodies including the River Derwent.

6. The Inspector did not consider the Council's third refusal reason on the grounds of noise and disturbance to be applicable, given the distance to the closest residential property and proximity to the A694 road, the dominant noise source. Additionally, no other refusal reasons or issues were raised in the Inspector's decision. As part of this proposal, the applicant has attempted to address the two reasons listed by the Inspector in relation to the impact of the proposal on the natural environment and to seek a more favourable outcome.

7. The application is presented to Committee at the request of the Divisional Member.

PLANNING HISTORY

8. DM/15/01106/FPA - Change of use from car park to carwash (including siting of cabin, water recirculation system and floodlighting) (retrospective) (amended 21-03-2016 to include floodlighting) – Refused 12th May 2016 – Dismissed at Appeal 30th November 2016 with the Inspector concluding the proposal would not conserve the natural environment and would therefore be unsustainable development.

9. 1/2005/1029/23066 – Erection of garden centre – Approved 16th March 2006

10. 1/2005/1027/23064 – Conservation Area consent of the demolition of buildings and structures forming Lintzford Garden nursery – Approved 16th March 2006

PLANNING POLICY

NATIONAL POLICY:

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
16. *NPPF Part 3 Supporting a Prosperous Rural Economy* – Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
18. *NPPF Part 11 – Conserving and enhancing the natural environment* - the planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.
20. *Light Pollution* - Artificial light can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. Some proposals for new development, but not all, may have implications for light pollution. Impacts upon background light levels, impacts from existing lighting, impacts upon protected species and wildlife, dark landscapes and reflection from existing buildings all are important factors to consider. If any of these are affected, then where light shines, when it shines, how much shines and ecological impacts should be investigated.
21. *Water Quality* - Adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change. Water quality is only likely to be a significant planning concern when a proposal would involve physical modifications to a water body or indirectly affect water bodies, such as redevelopment of land or lack of adequate infrastructure to deal with wastewater.

LOCAL PLAN POLICY:

22. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
23. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
24. *Policy EN6 - Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.
25. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

26. *The County Durham Plan* – Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the

policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. The *Highways Engineer* raised no objections to the proposal from the highways aspect however has requested the applicant removes all business advertising signs from the public highway. Noted that the Drainage and Coastal Protection Team need to be consulted in regards to contaminated surface water needing to be dealt with at source and not discharged onto the public highway (it is an offence under S163 HA), part of the applicants site is tarmac that slopes towards the public highway

INTERNAL CONSULTEE RESPONSES:

28. The *Drainage Engineer* initially noted the comments returned on the previous application still continue to be of relevance, that none of the discharge from the car wash should enter the surface water drainage system, or drain to a soakaway. Following further consultation noted there is no flooding risk at the site, ideally the waste should be directed to a Northumbrian Water sewer, and there continues to be an issue with the pollution of the surrounding ground or watercourses, and recommended referral of the application to the Environment Agency.
29. The *Environmental Health Officer* undertook a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant Technical Advice Notes (TANs). The development site is approximately 100m from the nearest noise sensitive receptor. Noise associated with the development is likely due to vehicle movements and equipment. The site is near an existing commercial site and is also bordered to the north by an A road, therefore the noise climate at the site is likely to be fairly loud mainly dominated by the likely traffic noise. The application is retrospective and as such the property has been operating for some time giving us the value of hindsight in assessing the potential impact. We have no record of complaint from the nearby property and I note no objections have been made based on noise.
30. A development of this type would normally need to be supported by a noise impact assessment to demonstrate whether it adheres to the threshold levels in the TANS. However it is understood this application has already been through the planning / appeal process. Therefore it is advised officers consider the above detail in making their decision. In addition the environmental impacts have been assessed which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and it is considered, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

31. The *Design and Conservation Officer* notes that visually the proposed development would be contained within wider garden centre site, which affords the physical structures and sufficient screening from general public viewpoints by mature planting to the green palisade boundary fence to the north along the busy A694 road and to the south by tree and hedge screening. The impact would generally be limited in some parts of the Conservation Area however there are no trees on a section of the western boundary which would be visible from the south west and entrance into the Conservation Area, this may require effective vegetation / screening. In addition, the car wash would seem to be more visible in the winter when leaves are off the trees and gaps into the site may be visible
32. Advertisements have been located within the site that would not require consent; however, the applicant has sought to place advertisements outside the site on the adopted highway to attract passing trade. Relevant advertisement consent would be required for these if necessary. There is concern that a mixture of bright and garish signs sited along the busy A694 road would result in visual clutter especially when combined with signs and floodlighting within the site, this would be harmful to the green and sylvan character of this part of the Lintzford Conservation Area.
33. Floodlighting installed to the portable building and car wash area may not be a problem if the floodlighting was limited in numbers (columns and fittings) and the floodlights were downlights focused into the site, and additionally lighting glare was not visible on the edge of the site visible in the countryside. Light pollution is a particularly issue in a dark valley, this is quite a rural setting and excessive lighting would harm the character of the Conservation Area and would have a significant impact.
34. It is important that the opening hours of business and associated lighting are operated correctly and are restricted, it is vital to avoid 24 hours operation. We would recommend a lighting condition controlling the type and operation of the lights in this instance.
35. As a result, the environmental impact from the current operation may still be considered unacceptable under paragraphs 109 and 134 of the NPPF and the wider roles of sustainability contained within paragraph 7 of the same document. There would need to be controls on advertising and floodlighting to make it more acceptable as well as planting and screening on the west boundary.

EXTERNAL CONSULTEE RESPONSES:

36. The *Environment Agency* has noted although the impact to the environment is very low there is still an illegal discharge of trade effluent (car wash runoff) to land. The operator of the site is attempting to collect the effluent but is only managing to collect about 40% of it, due to the lock block paving the wash site was situated on and the lack of slope.
37. Having reviewed previous planning decisions one of the main concerns was the lack of adequate drainage. This is the only concern the Environment Agency has for this site. It is considered appropriate for the Environment Agency to work alongside the Council and the operator, to get the outcome of installing suitable drainage preventing any further harm to the environment.

38. It is considered appropriate for the operator to submit suitable plans to the Environment Agency, and also to support his own planning application. Should planning permission be granted, the operator should have a reasonable deadline to which the work should be carried out and operational (this is open to input from the Council).
39. The drainage plans should consist of:
 - A designated area where the washing activity should take place
 - The material that the washing will take place on (this should be impermeable)
 - How any effluent will be collected and what in
 - How any effluent will either be disposed of or treated on site.
40. Following further information being provided by the applicant, the *Environment Agency* confirmed the hardstanding area and material proposed was acceptable in principle, and it would be prudent to explore the regularity that the waste tank would be emptied. It would also be beneficial to ensure all works are completed in a timely manner should permission be granted.

PUBLIC RESPONSES:

41. Eight properties have been consulted by way of direct notification, a site notice was posted, and a press notice was published in the Northern Echo. Four letters of objection from three properties were received. The objections are as follows –
 - dirty waste water containing traffic grime from car washing will leak into the ground and to the Pont Burn, which itself flows into the River Derwent. This will damage wildlife and have a negative impact on wildlife connected to the river.
 - it is not clear how water / foam washing fluid, will be effectively isolated from rain water drainage to the soakaway, which is only 20 metres from the Pont Burn, and therefore surface water contaminant is likely to reach the River.
 - the distance from the water / foam containers to the Pont Burn is noted as 80-100 metres, whereas in reality it is about 75 metres. I have significant concerns regarding the detergent and chemical contaminants reaching the surrounding soil and onwards to the Pont Burn and River Derwent.
 - car wash businesses are best located in industrial areas with mains drainage. The cleaning products and pollutants from cars contaminating the water table and surrounding soil is of concern.
 - the amended application form has removed ‘septic tank’ as the foul sewage disposal method to ‘other’; soakaway has also been removed from the surface water disposal section – how will the surface water be disposed of? The applicant has also removed reference to the fact the Pont Burn is within 20 metres of the soakaway.
 - the comments of the Environmental Health Officer demonstrate a level of complacency and superficiality that is impossible to justify. Council Officers have a duty to resolve the numerous deficiencies of fact and statement. We are pleased the operators have reduced some of the noise; however the noise from the related generators and cleaners is intolerably loud and intrusive. The Environment Health

Officer is incorrect in stating no complaints have been received and no objections made based on noise.

-red kites nested in an area of the woods within 300 yards of the intended car wash. Flood lighting and day long activity will disturb wildlife. The application does not refer to flood lighting.

-the site is semi-rural and it is inappropriate to industrialise an area in a way not appropriate for a garden centre, particularly with flood lighting. It is best located where it can most be found, such as in a city or town, not a country setting surrounded by woodlands. A small industrial / commercial business is not in keeping with the surrounding rural landscape and neighbouring designated ancient woodland.

-the character and appearance of the car wash and associated signage is not in keeping with a Conservation Area and one deemed an Area of High Landscape Value.

-the Planning Inspectorate have previously concluded the proposal does not constitute sustainable development, and we do not consider the limited number of advantages to the local community outweigh the numerous disadvantages and threats to the environment, and that the development contravenes national guidance and is detrimental to the character and natural beauty of the area.

-approval of this application may allow other inappropriate business uses at the site and make it difficult to refuse future applications for activities not in line with the main activity of the car wash. This could include a second hand car sales site, a car service repair shop and perhaps a commercial lorry park.

-the applicant's name from the previous application has changed.

42. A petition with 203 names and no addresses has been submitted by the applicant in support of the application, particularly outlining the public benefits of the proposal.

APPLICANTS STATEMENT:

43. We have liaised with the council in taken up all advice, and works that needs to be carried out to progress this application. We have created jobs for homeless people who were living rough. We have brought a friendly service in the area that helps elderly people and people with disabilities. Hundreds of people in the surrounding area support our application, and are happy to see this service available.
44. We have a clean environment working area and all disposal of waste is disposed of in the ways that were required from Health and Environment Agency. We are here to help bring a good service for local residents and work along with the Council to have success in this application. We have had a lot of stress, and ups and downs over the last few years, and done everything as requested by the Council. It would be gratefully appreciated if the Council supports our application.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at
<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact on the Conservation Area, Area of High Landscape Value and surrounding area, drainage and local biodiversity, the impact upon neighbouring amenity, highway safety and access, and sustainability.
46. It is noted the previous planning application, reference DM/15/01106/FPA, was refused on the grounds of sustainability, noise and disturbance, and drainage issues. The subsequent appeal, reference APP/X1355/W/16/3155833, discounted the noise and disturbance reason, however upheld the decision on the sustainability and drainage grounds. Therefore, the primary issue in respect of this application is whether the proposal is now acceptable in terms of drainage and the impact on the local watercourse, and therefore whether the proposal meets the environmental role of sustainable development, as outlined within Paragraph 7 of the NPPF. This will be assessed below.

Principle of development

47. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
48. Policy EN1 of the Derwentside District Local Plan outlines that development in the countryside is only permissible if it benefits the rural economy or maintains or enhances landscape character. Proposals should also be sensitively related to existing settlement patterns and environment resources. However, it is noted this Policy is only partially compliant with the NPPF as Paragraph 28 of the NPPF notes that planning should support the sustainable growth and expansion of all types of business and enterprise in rural areas, whilst respecting the intrinsic character and beauty of the countryside, as outlined in Paragraph 17. In this regard Policy EN1 is considered to be partially compliant.
49. The proposal is a commercial enterprise, located in a rural location. The proposal would offer limited social benefits by virtue of a service which is utilised by the local community, whilst job creation would also occur, an economic benefit. In this regard, the proposal is considered to be of benefit to the rural economy and can be supported in principle in respect of Policy EN1 of the Derwentside District Local Plan.

Impact on the Conservation Area, AHLV and surrounding area

50. Local Authorities have the duty to preserve or enhance the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in line with Part 12 of the NPPF. This requires Local Planning Authorities in

the exercise of their planning functions with respect to any buildings or other land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Concerns have been raised in respect of the use not being compatible with the character and nature of both the Conservation Area and Area of High Landscape Value.

51. The proposed development is contained within the wider Garden Centre site. This affords the physical structures and existing hardstanding substantial screening, particularly when viewed from the A694 to the west of the site, the main public viewpoint. In terms of the wider visual impact, the site can only be viewed from within the Garden Centre site itself, where there is a myriad of buildings, hard standing, and parking areas.
52. Given the site is well screened from views in the public domain, and located on an area of established hard standing, the impact on the character of the Conservation Area is considered to be neutral as it would preserve the setting and character of the Conservation Area and not cause harm to its significance. Therefore, the proposal is therefore considered to comply with Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.
53. In respect of the impact on the Area of High Landscape Value, as above, the site is considered to be relatively well screened with limited public views. As the proposal site is located within an area of hardstanding, with the landscaping surrounding the site to be unaffected, it is not considered the business and associated structures would adversely impact upon this landscape, when viewed in the context of a Garden Centre site. In this respect the proposal is considered to comply with Policy EN6 of the Derwentside District Local Plan.
54. Small scale floodlighting has been attached to the portable building and faces into the washing area. Concerns have been raised in respect of illumination within a predominantly rural area and the impact of this on the character of the area and wildlife. The applicant has indicated the floodlighting installed would generally only be used in dark early evenings, and in order to ensure that the impact of lighting does not result in any adverse impacts it is considered appropriate to condition the floodlighting is only used during the operating times associated with the car wash, which finishes no later than 5pm, and that no further floodlighting is installed at the proposal site.

Drainage and local biodiversity

55. The NPPF and NPPG both outline the protection of the biodiversity and environmental character of an area, and that water pollution arising from inappropriate drainage systems is of concern within development. Specifically, the Planning Practice Guidance indicates that water quality is only likely to be a significant planning concern when a proposal would involve physical modifications to a water body or indirectly affect water bodies, for example, through a lack of adequate infrastructure to deal with wastewater.
56. The applicant has provided a proposed drainage layout plan and specification, demonstrating that the water run-off from the proposal site enters the storage container for recycled water, and is then recirculated back to the water pump at the site and forwarded onto the nearby water tanks. This water is then reused within the shampoo bucket where the vehicles are washed by hand and then rinsed off with a

jet wash. The applicant has indicated the chemicals and detergents used are non-toxic, and specifications have been provided in support of this.

57. The Drainage Engineer has raised no issues in respect of flooding at the site, and has directed consultation to the Environment Agency in respect of pollution issues, who have raised concerns in respect of the surface material and how effluent will be collected and disposed of. No concerns have been raised by the Environment Agency in respect of the chemicals and detergents proposed by the applicant.
58. The applicant has submitted additional details showing an area measuring approximately 32m² constructed of a non-permeable concrete surfacing where the washing activity will take place. Water and other materials from the vehicle washing area flow into a water container via a small channel and is then re-circulated within the drainage system via a pump into several storage tanks. The Environment Agency has noted such details and arrangement is acceptable in principle, and confirmed the proposed waste collection frequency arrangements are also acceptable.
59. Distances to nearby watercourses have been queried by objectors, however consultees including the Environment Agency have raised no issues in respect of discharge, whilst no issues have been raised in respect of the chemicals or detergents being used at the site. In this respect, the proposal would ensure any water run-off from the use is re-circulated within the system and would not drain into local watercourses or affect the local biodiversity network.
60. The imposition of a condition requiring the above details to be completed within one month of any decision will ensure that the environmental impact of the operation could be adequately addressed. As such the proposal would comply with Paragraphs 109 and 120 of the NPPF, and when assessing the proposal against the wider sustainability role within Paragraph 7 of the NPPF.

Impact on neighbouring amenity

61. Paragraph 123 of the NPPF seeks to prevent noise impacts from detrimentally affecting health and quality of life, and to a lesser degree residential amenity. Additionally, Part H of Policy GDP1 of the Derwentside District Local Plan requires new development to respect the amenity of neighbouring occupiers.
62. Steelclose House lies approximately 100 metres to the south of the application site, with the curtilage boundary adjoining the site. An objection has been received in respect of noise issues associated with the various plant used at the site, although it is acknowledged effort has been made by the applicant to reduce noise outbreak at the site.
63. The hours of use proposed are listed as 9am to 5pm Mondays to Fridays, from 9am to 4pm Saturdays, and 10am to 3.30pm Sundays, and these hours would be conditioned as part of any approval granted.
64. The Environmental Health Officer has raised no concerns in respect of noise issues at the site. It is also noted the Planning Inspector in considering the previous appeal at the site, considering 'the background noise from the adjacent main road together with the daytime limitation of the use, the intervening distance between the property and the site, the intervening distance between the appeal site and the nearest

residential property and the buffer created by the cabin, fence and landscaping which lie in between, the operation would not be likely to significantly harm the living conditions of neighbouring properties with regard to noise and disturbance.' He concluded that the development complies with saved Policy GDP1 of the Derwentside District Local Plan in so far as it seeks to ensure that the amenities of neighbouring occupiers and land users are protected.

65. As the proposal is broadly unchanged in terms of the operation from the previous application, in this regard, it is therefore considered the proposal would comply with Part H of Policy GDP1 of the Derwentside District Local Plan and Paragraph 123 of the NPPF subject to the imposition of a condition restricting the hours of operation.

Highway safety and access

66. The Highways Engineer has raised no concerns in respect of highway safety, access and parking at the site, and as this issue was not raised by the Planning Inspector at the previous appeal, the proposal is considered to comply with Policy TR2 of the Derwentside District Local Plan.

Sustainability

67. The proposal would contribute towards job creation in the area, being an economic benefit, whilst the business itself would also be of a social benefit to the local community, albeit of a limited nature given its relatively rural location and its nature. In terms of environmental benefits, subject to the above requirements being carried out, it is considered the proposal would conform with this requirement. In this respect, the proposal is considered to conform with the three dimensions of sustainable development, as outlined within Paragraph 7 of the NPPF.

Other issues

68. A comment has been raised in relation to the name of the applicant changing from the previous application; however this is not considered to be of relevance to the planning consideration. Amendments to the planning application through the process have also been queried, particularly in respect of drainage issues; however no objections have been raised in principle from consultees in respect of these matters.
69. Concerns have been raised that if this proposal is permitted, it may allow alternate uses at the Garden Centre site incompatible with the character of the area. This application cannot consider or pre-empt hypothetical scenarios, and any future applications would be determined on their own merit at the point of submission.
70. In respect of concerns raised regarding the comments of the Environmental Health Officer, the Environmental Health Officer has confirmed no objections have been received from the neighbouring property, or relating to the site itself, in relation to noise.

CONCLUSION

71. As part of this proposal, the applicant has pursued the refusal reasons as outlined by the Planning Inspectorate as part of the previous appeal decision in an attempt to overcome the issues raised. Given the information provided as part of this application, no objections have been raised from consultees in regard to the

proposed car wash operation at the site, nor the subsequent environmental impact, subject to a condition requiring the area of hardstanding to be completed within one month of the decision date. It is therefore considered the applicant has overcome the issues raised by the Inspector in the appeal decision.

72. It is considered the development would have a neutral impact on the character of the Conservation Area, given the screening at the site and limited public views from outside the site. Additionally, the impact on the setting of the Area of High Landscape Value is also of a neutral effect, particularly as the site was previously an area of hard standing and originally had limited landscape benefits.
73. The proposal is considered to provide limited social benefits by virtue of a service which is utilised by the local community, as well as wider job creation, an economic benefit. As detailed above, the information submitted is considered acceptable in terms of the impact the proposal in respect of environmental considerations and subject to condition the proposal would also meet the environmental dimension. Given this, the proposal is now also considered to be sustainable development in terms of the social, economic and environmental considerations, in accordance with Paragraph 7 of the NPPF.
74. Given all of the above, and on balance, it is considered the proposal is compliant with Policy EN1 of the Derwentside District Local Plan, as it would be of benefit to the rural economy, and is considered to be sustainable development as the applicant has overcome the previous issues raised by the Planning Inspectorate in relation to environmental factors. In this regard, the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan reference	Date
Location Plan	8 March 2017
Layout Plan	24 February 2017
Photo 1	7 March 2017
Photo 2	7 March 2017
Photo 3	7 March 2017
Photo 4	7 March 2017
Photo 5	7 March 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1, EN6 and TR2 of the saved policies of the Derwentside District Local Plan, 2009.

2. Within one month of the date of this permission, the surfacing material for the car washing area shall be installed in accordance with the approved details (as shown on plan ref. Surfacing and Floodlight Plan – 12 June 2017), and effluent shall be collected, disposed of or treated in accordance with the approved details at all times when car washing is taking place otherwise the use of the site shall cease.

Reason: To prevent pollution of the water environment in accordance with Paragraphs 109 and 120 of the NPPF.

3. The car wash business subject to this permission shall not operate outside of the hours of 0900-1700 Monday to Friday; 0900-1600 Saturdays; 1000-1530 Sundays; anytime Bank Holidays.

Reason: In the interests of the amenity of residents in accordance with Part H of Policy GDP1 of the Derwentside District Local Plan and Paragraph 123 of the NPPF.

4. The lighting (as shown on plan ref. Surfacing and Floodlight Plan – 12 June 2017) shall not be used outside the hours of 0900-1700 Monday to Friday; 0900-1600 Saturdays; 1000-1530 Sundays; anytime Bank Holidays.

Reason: In the interests of the amenity of nearby residents and the appearance of the area in accordance with Part H of Policy GDP1 of the Derwentside District Local Plan and Paragraph 123 of the NPPF.

5. Notwithstanding the details submitted with the application, no further floodlights or external lighting shall be erected or installed at the site.

Reason: In the interests of the amenity of nearby residents and the appearance of the area in accordance with Part H of Policy GDP1 of the Derwentside District Local Plan and Paragraph 123 of the NPPF.

6. The development hereby approved shall at all times remain and be used solely for the purposes of car washing.

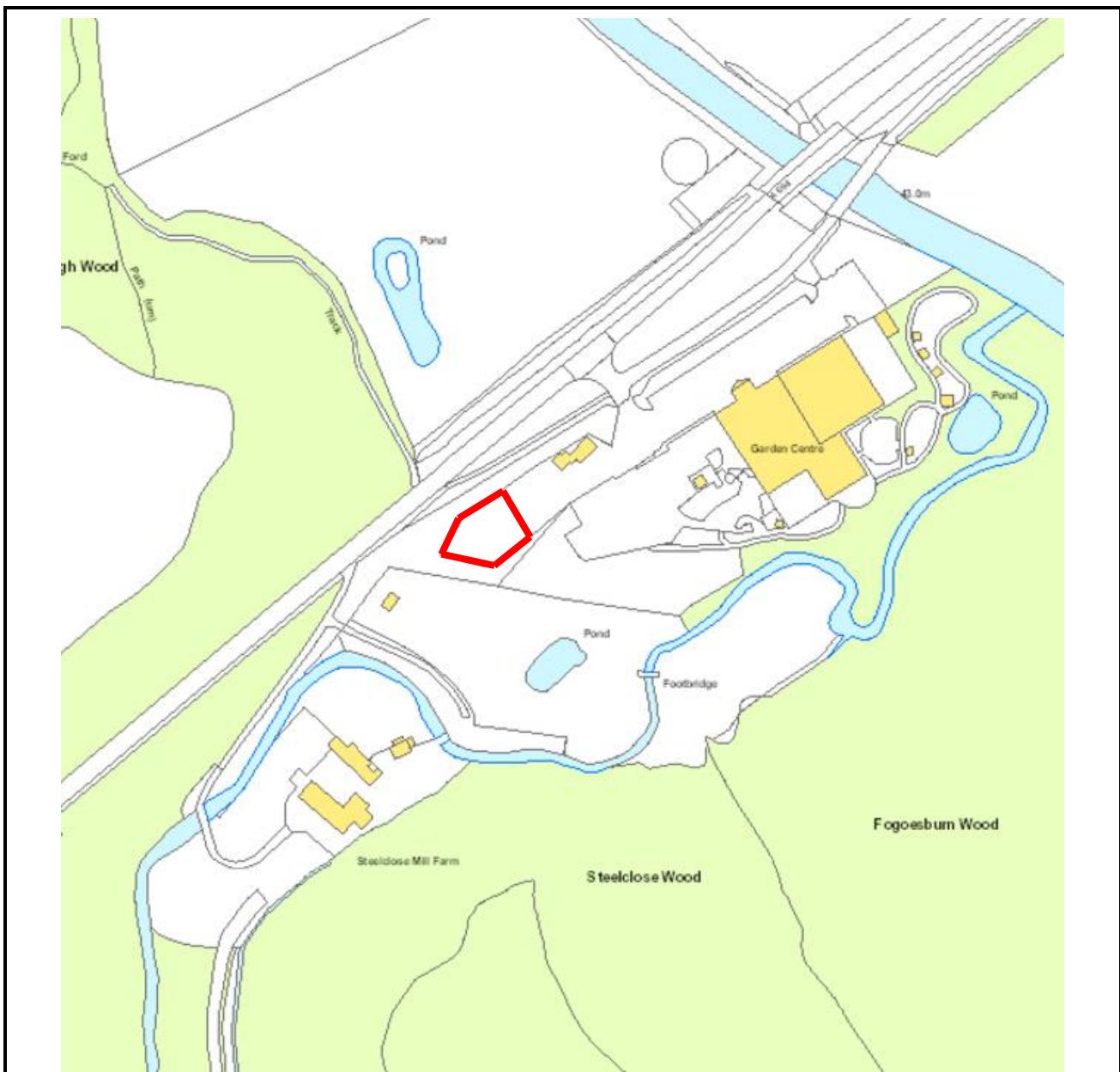
Reason: To prevent alternate uses taking place from the premises contrary to Policy EN1 of the Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Derwentside District Local Plan (Saved Policies 2009)
- Statutory consultation responses



 Planning Services	Lintzford Bridge Garden Centre, Lintzford, Hamsterley Mill, Newcastle upon Tyne, NE39 1DG Application Number DM/17/00692/FPA
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