

POSH WASH, LIVERPOOL ROAD, CROSS HEATH
POSH CAR WASH (TALIB ALI)

21/00729/FUL

The application seeks retrospective planning permission for the retention of a shipping container, the restoration of a timber fence and a canopy over the car washing area at Posh Wash, Liverpool Road.

The site lies within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The application was originally brought to the committee meeting on the 12th of October at the request of 2 Councillors due to concerns regarding residential amenity, visual impact and highway safety. At the committee meeting the application was deferred to allow a site visit to take place. The visit is scheduled to take place on the 6th November.

The 8 week determination period for this application ended on 22nd September but an extension of time to 15th November has been agreed.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Approved plans**

Reason for Recommendation

The design of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposed development fully complies with planning policy guidance in terms of the impact on highway safety and residential amenity levels of neighbouring occupiers.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposed development is considered to be a sustainable form of development in accordance with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks retrospective planning permission for the retention of a shipping container, a canopy over an existing car wash area and for works relating to the restoration of a timber fence. The application site falls within the urban area of the Borough as identified on the Local Development Framework Proposals Map. The application site is an established car wash, which was granted permission under planning application 09/00434/COU. The main issues for consideration are;

- The design of the proposal
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Matters

The design of the proposals

Paragraph 126 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and

sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The application site forms part of a row of commercial plots which start at Wilton Street to the south, with access to the site being from Liverpool Road located to the west.

The application seeks retrospective permission for the retention of a shipping container which is sited in the north-western corner of the application site. The container has a length of 6m, a width of 2.5m and a height of 2.5m. It has a typical functional appearance but while it is visible from Liverpool Road, its placement to the rear of the site limits its impact on the wider street scene. While it is recognised that the container is visible from the rear gardens of nearby properties located to the west, given that the boundary fence which surrounds the site is 2m in height, it is only the top 0.5m section of the container which is visible above the boundary treatment. Given its limited height, it is considered that the container is seen in context with the commercial appearance of the site and is not overly dominant in its setting.

The canopy structure which covers the main car washing area of the site measures 10m x 10m and has an overall height of 4m, supported by 6 metal posts. An objection letter has raised concerns regarding the visual impact of the canopy but given its limited height and the context of the application site which is part of a row of commercial properties, it is not considered that there would be any significant adverse impact on the surrounding area. Whilst some sections of the metal posts which support the structure are visible from the rear garden of 165 Liverpool Road, which is located to the north of the application site, the canopy structure itself is set at a distance of 5.7m away from the shared boundary, which ensures it is not seen as a dominating feature from this area of garden.

There are no concerns relating to the restoration of the timber fence which runs along the western boundary of the application site, as this will help to screen the site from view and may help to reduce the impact of water spray and noise nuisance.

The development is therefore considered to be in accordance with the guidance and requirements of the NPPF and Policy CSP1 of the CSS.

Impact upon residential amenity

Criterion f) within Paragraph 130 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

One objection letter has been received from the occupant of no.165 Liverpool Road raising a number of concerns relating to the impact of the development on their residential amenity. The objection letter notes that the car wash use has resulted in chemicals and water spray coming over the shared boundary and onto their property, and also notes that there is ongoing noise nuisance, and vibration coming from the site.

This application seeks permission for the retention of a shipping container and canopy structure only. The use of the site as a car wash is authorised under planning permission Ref. 09/00434/COU. That permission is subject to a number of conditions so any issues with the existing use of the site and any potential breaches of conditions can be addressed separately. It is only the development set out within the application which can be considered now and it is not considered that this proposal would exacerbate any existing issues relating to residential amenity to such an extent to warrant a refusal.

Given the above, and in the absence of any objections of the Environmental Health Division, it is considered that the retrospective works will not result in any adverse impact to neighbouring properties.

The impact to highway safety

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The one objection letter received raises concerns that the proposal has resulted in an adverse impact to the local highway network, which is resulting in issues relating to highway safety. However the Highway Authority has raised no objections to the proposal, and there is no evidence that the retention of the canopy and shipping container would create or aggravate parking or traffic problems.

Other Matters

The concerns raised in the objection letter relating to surface water are noted, however as the application seeks permission for the retention of a canopy structure and shipping container only, it is not considered that surface water runoff will change as a result of this proposal.

The objection letter notes that there are several errors in the application form relating to ownership details of the application site's shared boundary. The boundary dispute is considered to be a civil matter which goes beyond the scope of this application.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2021\)](#)

[Planning Practice Guidance \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Relevant Planning History](#)

09/00434/COU - Change of use from car sales to hand car wash - permitted

[Views of Consultees](#)

The **Environmental Health Division** raise no objections to the proposal.

The **Highways Authority** raise no objections to the proposal.

[Representations](#)

One objection letter has been received from a Planning Consultant on behalf of the occupier of No.165 Liverpool Road. The following concerns are raised:

- The proposal has led to an increase in noise, disturbance and odour
- Loss of privacy to the detriment of surrounding residential properties
- The proposed development has an adverse impact on the character and appearance of the area
- Impact on highway safety
- Poor surface water and waste water arrangements
- Errors within the application form and submitted information
- The car wash is an unlawful use

[Applicant's/Agent's submission](#)

The application is accompanied by a Supporting Statement.

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00729/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th October 2021