



**PLANNING COMMITTEE:** 17<sup>th</sup> February 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0001:** Variation of Condition 1 of planning permission N/2013/1304 to allow the car wash to operate for a further two years at Commercial Street Surface Car Park

**WARD:** Castle

**APPLICANT:** Mr Ben Lleshi  
**AGENT:** Dr Richard Post - Architectural Ideas

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Council owned land

**DEPARTURE:** NO

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development is considered acceptable as a temporary use of the land and would not prejudice the future comprehensive redevelopment of the wider site and would allow the Local Planning Authority to monitor the impact on highway safety in compliance with Policy 1 of the Central Area Action Plan, Policy BN7A of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Planning permission is sought for the variation of condition 1 of planning permission N/2013/1304. Condition 1 of planning permission N/2013/1304 read:

‘The use hereby permitted shall be discontinued and the storage container and canopy shall be removed and the land restored to its former condition on or before the date of one year forward of the date of this permission.’

- 2.2 The submitted proposal seeks to extend the temporary permission for the hand car wash operation together with siting of a storage container and canopy for a further two years. The applicant has amended the original submission from five years to two years.

### **3. SITE DESCRIPTION**

- 3.1 The application site constitutes a small area of the Commercial Street surface car park (approximately 70sqm). The car park is in the ownership of Northampton Borough Council.
- 3.2 The car park is bound by St. Peters Way, which curves the south western side of the site. Commercial Street runs from St. Peters Way and provides an access into the car park.
- 3.3 Planning permission N/2013/1304 allowed the use of 6 no. existing car parking spaces for the car wash and included the siting of a storage container on 1 of the 6 no. existing car parking spaces for storage and staff welfare and addition of a large canopy on a steel frame covering 3 of the parking spaces (including the storage container). The submitted proposal does not seek to alter this arrangement only to extend the time for its continued use.

### **4. PLANNING HISTORY**

- 4.1 N/2013/1304 Change of use of part of car park to hand car wash (Sui Generis) to include the installation of a storage container and canopy - Approved 12/02/2014.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies and Northampton Central Area Action Plan (2013).

#### **5.2 National Policies**

NPPF – National Planning Policy Framework

Paragraph 19 – Supporting economic growth through the planning system

Paragraph 56 – Requiring good design

Paragraph 109 – Protecting and enhancing the environment

#### **5.3 West Northamptonshire Joint Core Strategy – Adopted December 2015**

The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has been adopted by the West Northamptonshire Joint Strategic Planning Committee. Following adoption the JCS forms part of the development plan and is consistent with Section 38(6) and therefore carries significant weight when considering planning applications.

Policy BN7A – Water supply, quality and wastewater infrastructure.

5.4 **Northampton Central Area Action Plan 2013 (CAAP)**

Policy 1 - Promoting Design Excellence

5.5 **Northampton Local Plan 1997 (Saved Policies)**

E20 – New development

**6. CONSULTATIONS/ REPRESENTATIONS**

Comments are summarised as follows:

6.1 **NBC Arboriculture:** No objections.

6.2 **NBC Public Protection:** No objections.

6.3 **Anglian Water:** the developer must contact Anglian Water's Catchment Quality Scientist (CQS) for the area, to discuss options for disposing of their used water.

6.4 **Environment Agency:** have no comments to make.

6.5 **NCC Highways:** No objections to the car wash at Commercial Street operating for another two years.

6.6 The application was advertised by site notice and the consultation period does not expire until 11/02/2015. Any comments received prior to the Committee meeting shall be updated to Members via the addendum.

**7. APPRAISAL**

**Principle of the development**

7.1 The application site and the wider car park are located within the town's Enterprise Zone and are therefore could come forward for comprehensive redevelopment in the future.

7.2 In light of this Enterprise Zone status, it is expected that the site will perform an important regeneration role for the town in the forthcoming years. It is therefore important to ensure that any piecemeal development of the site is guarded against in the interests of safeguarding the development opportunity of the wider area. It is therefore considered that any consent for the change of use from car parking to a car wash should be limited to a temporary time period.

**Design & Visual Impact**

7.3 The car wash is currently operational and has been sited away from the boundaries of the car park; this reduces its impact on the visual amenity of the area. The container and canopy constitute installations of a temporary nature, it is therefore considered appropriate that any permission for the development is restricted to a temporary period. This also safeguards the long-term redevelopment opportunities of the site. In addition due to the temporary nature of the container and the canopy, it is considered that the site could be restored to its former condition relatively easily.

- 7.4 It is considered that the car wash has been rationally located in the context of where the accesses to the car park are located, i.e. queuing vehicles would not impede access into the site given the distances involved. To grant a temporary planning permission would also allow the Council to continue to monitor the effects of the scheme upon the circulation of the wider car park.

#### **Neighbour Amenity**

- 7.5 The site is not located within close proximity to any residential or noise-sensitive uses; there are no concerns in a noise context, particularly given the immediate presence of a busy dual-carriageway adjacent to the site. The Council's Environmental Health section have raised no objections to the proposed development.

#### **Drainage**

- 7.6 Anglian Water has requested that the developer contact their Catchment Quality Scientist (CQS) for the area, to discuss the disposal of used water. A suitable informative will be added to any permission for the proposal to advise the applicant to contact Anglian Water. The Environment Agency has confirmed that they have no comments to make as the Environment Agency did not request Condition 1 of Decision Notice N/2013/1304 with regards to the duration of the operation of the car wash.

#### **Tree protection**

- 7.7 The site is positioned adjacent to 2no. mature trees. The Council's Tree Officer has been consulted and raises no objection to the proposal, as the development does not create any detrimental impacts to the adjacent trees.

#### **Highway safety**

- 7.8 The Local Highways Authority has been consulted regarding the application and have raised no objections to the proposal in terms of access, parking or highway safety. During its temporary operating period the Local Highways Authority have not recorded any issues regarding highway safety as a result of the development.

### **8. CONCLUSION**

The proposed development is considered acceptable as a temporary use of the land and would not prejudice the future comprehensive redevelopment of the wider site and would allow the Local Planning Authority to monitor the impact on highway safety in compliance with Policy 1 of the Central Area Action Plan, Policy BN7A of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

### **9. CONDITIONS**

- (1) The use hereby permitted shall be discontinued and the storage container and canopy shall be removed and the land restored to its former condition on or before 28<sup>th</sup> February 2017.

Reason: The proposed development is considered acceptable as a temporary use of the land and would not prejudice the future comprehensive redevelopment of the wider site and would allow the Local Planning Authority to monitor the

impact on highway safety in compliance with Policy 1 of the Central Area Action Plan and the guidance contained within the National Planning Policy Framework.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan & Site Plan (17004-L02 Rev A).

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

### **INFORMATIVES**

The developer must contact Anglian Waters Catchment Quality Scientist (CQS) for the area to discuss disposal of used water.

### **10. BACKGROUND PAPERS**

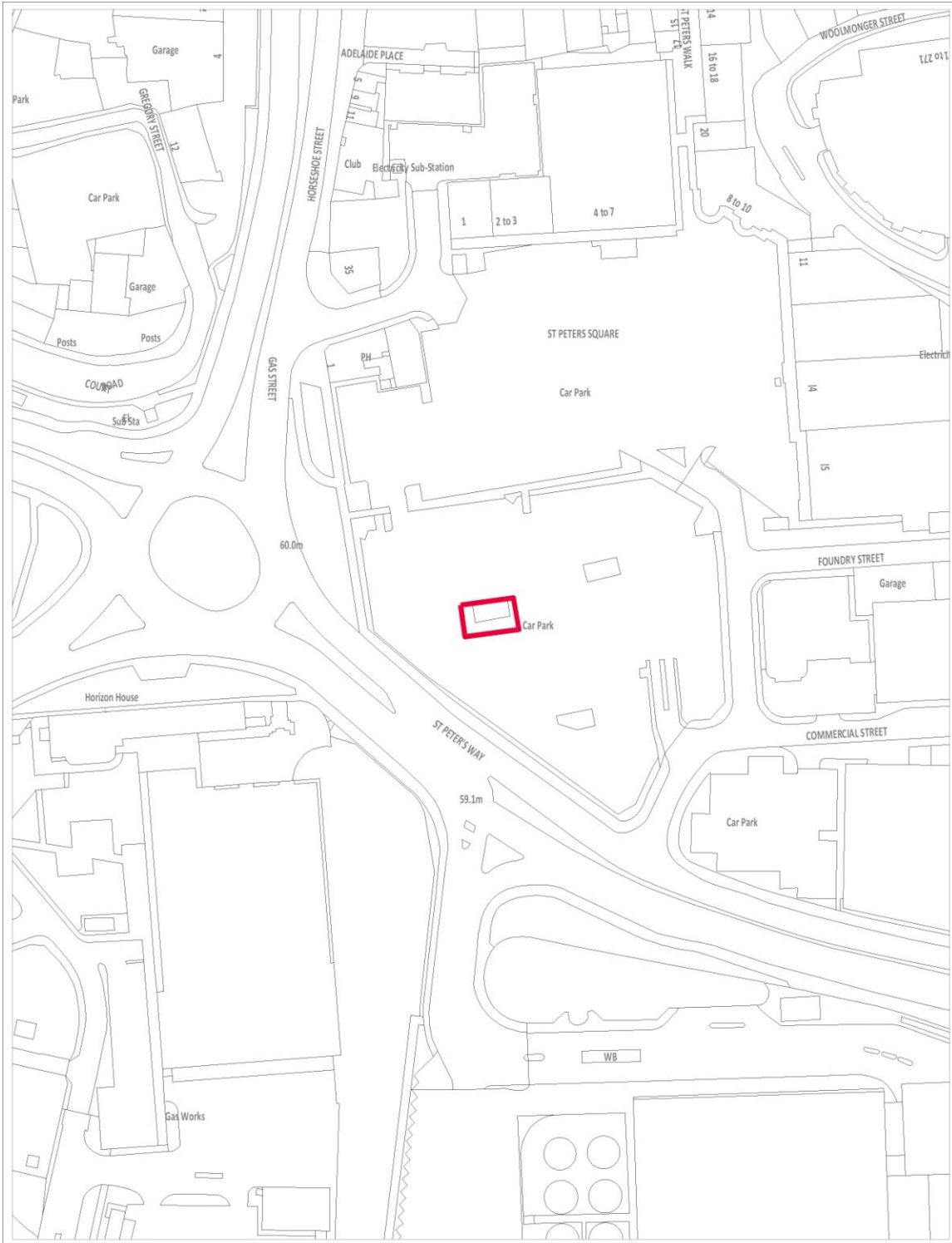
- 10.1 Application Files N/2015/0001 and N/2013/1304.

### **11. LEGAL IMPLICATIONS**

- 11.1 None.

### **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Location Plan  
 Date: 4th February 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**  
**Commercial Street Car Park Surface**

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