

Report to Planning Committee

07 September 2022

Application Reference	DC/21/66353
Application Received	22 November 2021
Application Description	Retention of use of garden area at 604 Hagley Road West as drying area with canopy, jet wash canopy, staff welfare & office building and 4m high boundary wall/fencing and proposed use of rear garden area at 608 & 610 Hagley Road West for car sales.
Application Address	602 Hagley Road West Oldbury B68 0BS
Applicant	Mr Qamil Aliaj
Ward	Old Warley
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) The revised car wash canopy shall be installed within 3 months from the approval date.
- ii) The amended car wash canopy shall be retained as such.
- iii) All car washing, and associated activities are to take place only within the buildings designated for such purposes.




- iv) Noise management plan.
- v) Car Parking to be provided and retained.
- vi) Hours of use to be 9am-7pm on Monday-Friday, Saturday's 9am-6pm, and 10am-4pm on Sunday's and Bank Holidays.

2 Reasons for Recommendations

2.1 The precedent of the use of the site as a car wash has long been set by the approval of DC/10/52831. Following receipt of an amended noise impact assessment and amended plans to alter the car wash canopy in accordance with the recommended noise mitigation measures, Public Health (Noise) have raised no objections to the application subject to the conditions contained within the recommendation. On this basis I am satisfied no significant harm to residential amenity in terms of noise and disturbance would occur to neighbouring residential properties as a result of this proposal.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

4.1 This application is being reported to your Planning Committee because 2 objections against the proposal have been received from local resident along with 1 objection from Councillor Richard Jones on behalf of residents. Councillor Jones has also requested the application be determined by the Planning Committee.

4.2 To assist members with site context, a link to Google Maps is provided below:

[602 Hagley Road West, Oldbury](#)



5 Key Considerations

- 5.1 The site is unallocated in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history

Loss of light and/or outlook

Design, appearance and materials

Access, highway safety, parking and servicing

Noise and disturbance from the scheme

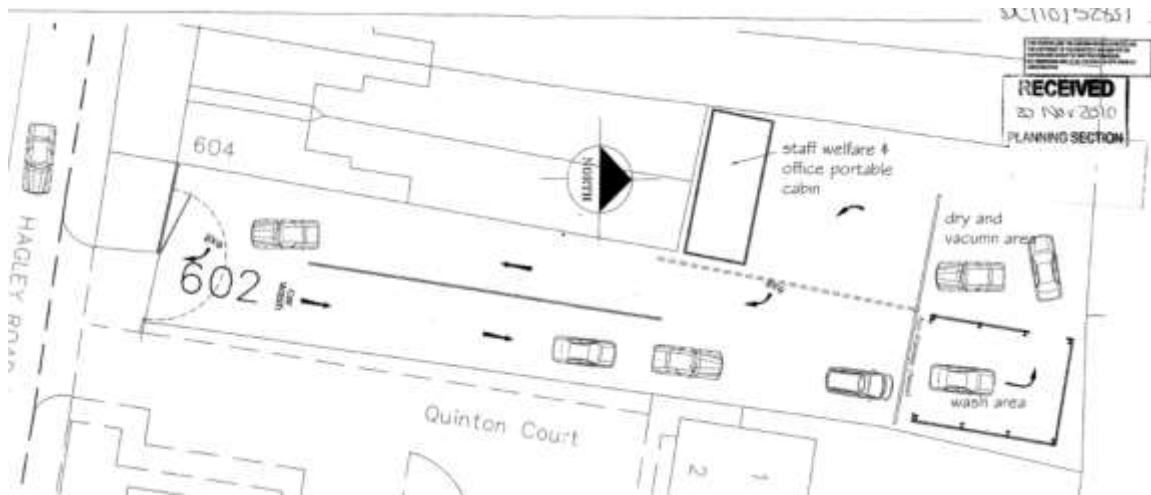
6. The Application Site

- 6.1 The application site is located on the northern side of Hagley Road West, Oldbury. The character of the surrounding area is predominantly residential in nature with the site being approximately 150 metres from Quinton local centre. The previous use of the site was as a vehicle repair garage and MOT testing station.

7. Planning History

- 7.1 The site received temporary planning consent for a car wash under application reference DC/09/50465. Following the expiry of the temporary period, full planning consent was granted for the car wash business under application reference DC/10/52831. The submitted site plan showed the car wash was within a building at the rear of the site with a drying and vacuum area being outside. No planning condition was imposed to ensure the retention of this building and that all car washing was to take place within the building. The approved site plan and image of the previous car wash structure can be viewed below. DC/10/52831 conditioned the hours of use of the car wash to be 9am-7pm on Monday-Friday, Saturday's 9am-6pm, and 10am-4pm on Sunday's and Bank Holidays.





7.2 Since this approval, the applicant has demolished the rear building and erected a new canopy on the site for car washing and amended the redline boundary of the site by including a section of the rear garden of No. 604 Hagley Road West where a drying canopy has been erected. In addition, a section of the rear gardens of 608 & 610 Hagley Road West



has also been included within the red line boundary which is to be used for car sales. Originally a Section 73 application to vary condition 1 of approval DC/10/52831 was submitted, however, as the redline boundary had been amended and changes of use/structures had been erected which require planning permission, the applicant was advised a full planning application was required. DC/21/66152 was therefore withdrawn and a full planning application submitted. The Local Planning Authority have an open enforcement case on this site under reference ENF/20/11203 and Public Health have been investigating the matter as a statutory nuisance.

7.3 Relevant planning applications are as follows:

DC/09/50465	Retention of use as car wash business.	Granted 1-year temporary approval. 07.05.2009
DC/10/52831	Retention of use of car wash business (renewal of temporary permission DC/09/50465).	Granted permission subject to conditions. 21.01.2011.
DC/21/66152	Proposed variation of condition 1 of planning application DC/10/52831 (Retention of use of car wash business (renewal of temporary permission DC/09/50465)) to provide replacement "Wash" canopy and new canopy.	Application withdrawn.

8. Application Details

8.1 The applicant is applying to retain 2 No. canopies erected on the site with one being used as a car wash area and one being used as a drying area. An amended plan has been received to show a revised car washing canopy in accordance with recommendations contained within a revised noise risk assessment. The proposal would therefore measure



17.7 metres (L) by 5.2 metres (W) with an overall height of 4 metres. This differs from the current canopy which currently measures 10.8 metres (L) by 5.2 metres (W) with an overall height of 4.4 metres. The drying canopy measures 17.9 metres (L) by 4.8 metres (W) with an overall height of 4 metres. This has been erected on a section of land which was previously the rear garden of 604 Hagley Road West. However, investigating the matter it would appear the change of use from rear garden to a commercial use took place between 2013 and 2014 when the area was tarmacked and used as a car sales area prior to the canopy being erected.

8.2 The applicant is also applying to retain the change of use of a section of the rear gardens of 608 & 610 Hagley Road West for car sales with a staff welfare & office building. The office building measures 3.8 metres (W) by 4.3 metres (L) with an overall height of 2.6 metres. The retention of a 4-metre-high boundary wall/fencing at the rear of the site is also included within the proposal. Both the car wash and car sales areas share the same access.

9. Publicity

9.1 The application has been publicised by neighbour notification letter, with 2 letters of objection being received from residents and 1 objection from Councillor Jones on behalf of residents. Amended plans for the car wash canopy have been received. The objectors and Councillor Jones have been re-consulted, any additional comments shall be reported verbally at the meeting.

9.2 Objections

Objections have been received on the following grounds:

- i) Noise and disturbance being caused by the car wash to the properties at the rear from the new car wash canopy. This has resulted in objectors not being able to use their rear gardens.



- ii) The applicant removed trees at the rear of the garden without approval.
- iii) The acoustic fence installed was unsightly and has been concealed by a fence at the objector's expense.
- iv) Concerns regarding the spray from the site and potential chemicals.

Immaterial objections have been raised regarding loss of property value.

9.3 Responses to objections

I respond to the objector's comments in turn:

- i) Public Health (Noise) requested a revised noise risk assessment be undertaken to include sound levels being assessed from the rear garden of a property on Sunnybank Road. This took place on Sunday 24th April 2022 between 12.09 and 14.09 hours. The Public Health Officer was also in attendance. Following these additional readings being taken a revised noise risk assessment was submitted for review by Public Health officers. The noise risk assessment stated the current car wash is having an impact on nearby residents, whilst this impact is not classified as a significant adverse impact, the report contains measures to reduce noise levels. These include lowering the height of the canopy to below the height of the rear wall and to extend the canopy to the rear wall to completely enclose at the rear. The eastern boundary should have a side of profiled box cladding with no gaps to between the wall and the roof. On the basis of the revised noise risk assessment and the submission of amended plans to alter the car wash canopy in accordance with the report recommendations, Public Health have raised no objections to the application on noise grounds subject to the conditions contained within the recommendation.
- ii) The trees in question were not subject to tree preservation orders and could have been removed at any time by the applicant.
- iii) Although not ideal, this has been addressed by the objector installing their own fence to obscure.
- iv) The amended canopy would address this issue to the rear.



10. Consultee responses

10.1 **Highways** – No objection subject to the parking areas being provided and manoeuvring areas are kept clear as per the layout plan.

10.2 **Public Health (Air Pollution and Noise)** – Following receipt of a revised noise risk assessment with noise measurements taken from the rear garden of a property on Sunnybank Road and the submission of amended plans to show alterations to the car wash canopy in accordance with the reports recommended mitigation measures. Public Health have raised no objections to the application subject to the conditions contained within the recommendation.

10.3 **West Midlands Police** – No objection.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Paragraph 185 refers to mitigating and reducing to a minimum those potential impacts resulting from noise development. Following the detailed noise assessment, the mitigation measures proposed achieves this.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EMP4: Relationship Industry/Sensitive Uses

SAD EOS 9: Urban Design Principles



12.2 Both ENV3 and SAD EOS9 policies refer to appropriate design, in this instance this would relate to the appearance of the site and canopies. The site is set off back from the highway and the proposed drying and wash canopies are acceptable in design and appearance.

12.3 This policy largely refers to industrial development in relation to residential property, but given the commercial nature of the operation, is relevant. The policy expects harmful effects to be mitigated. In this instance the washing canopy has been increased in size to prevent noise escape to neighbouring residential properties. Public Health have also suggested conditions included within the recommendation.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The site is unallocated within the development plan.

13.3 Planning history (including appeal decisions)

The precedent of the use of the site as a car wash has long been set by the approval of DC/10/52831. Although the approved site plan showed car washing was to take place within the building to the rear, no planning conditions were included within the decision notice to ensure the building was retained and this was the only place within the site where car washing would take place. Should this application be approved, the recommendations made by Public Health seek to address this matter by providing the Local Planning Authority with more control by ensuring washing would only take place within the amended car wash canopy.

13.4 Access, highway safety, parking, servicing and traffic generation



As indicated above, no objections have been received from the Head of Highways.

13.5 **Loss of light and/or outlook, Overshadowing and loss of privacy.**

The canopy has been reduced in height by 0.4m so not to be visible above the rear boundary treatment. In terms of amenity to properties on Quinton Close, no objections have been received from residents on this street. Taking into consideration the rear of the properties contains a kitchen/living room served by two windows coupled by the fact adjacent to the boundary was the previous wash building, I do not consider a significant loss of light/outlook or privacy would occur. In terms of amenity to properties on Hagley Road West, again no objections have been received from adjacent properties, I am satisfied no significant loss of light, outlook of privacy would occur.

13.6 **Appearance and Design.**

Taking into consideration the site is set back a significant distance from the highway and the site has been used as a car wash and car sales for a number of years, I am satisfied the design of the proposed canopies and sales building are acceptable in design and appearance.

13.7 **Noise and disturbance from the scheme.**

Public Health have raised no objections to the application following receipt of a revised noise impact assessment report with noise measurements taken from properties at the rear on Sunnybank Road. Public Health are satisfied the proposed mitigation measures/ amendments to the canopy coupled with the conditions included within the recommendation will protect the amenity of neighbouring residential properties.

The land to the rear of 604 was included within the site boundary between 2013 and 2014 where it was tarmacked and used for car sales. The use of this area for car sales has ceased with the applicant instead



erecting a canopy which is used for the drying of vehicles. Although the use of this land for commercial purposes was never authorised, the applicant is seeking to regularise this matter through this application. On the basis that no objections have been received from residents on Hagley Road West or Public Health coupled by the fact the area of land in question has been used for commercial purposes since at least 2014, I am satisfied no significant harm to the amenities of neighbouring properties has occurred. In terms of the change of use of land to the rear of 608 and 610 Hagley Road West for use as car sales. As mention above both Public Health and the Head of Highways has raised no objections to the application. On this basis I am satisfied no significant harm to amenities of neighbouring residential properties would occur. A condition for car parking to be laid out in accordance with the submitted site plan has been included within the recommendation.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and the amendments/conditions proposed are acceptable to protect neighbouring residential properties from undue noise and disturbance.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.



Social Value	None.
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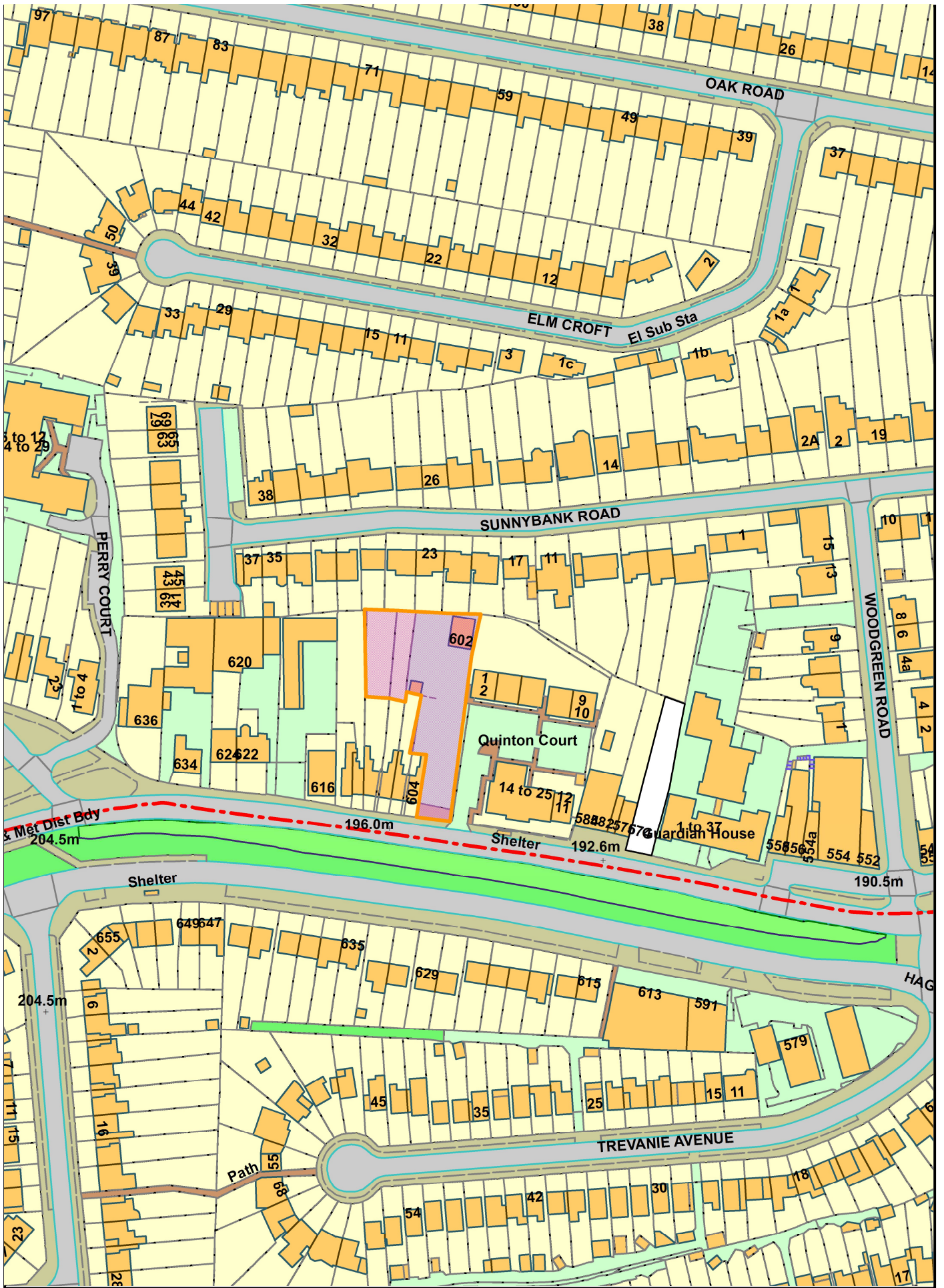
16. Appendices

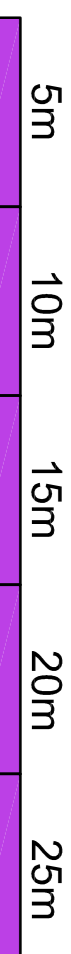
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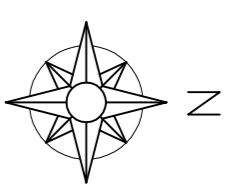






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 The client's General Development Brief.



Rev C 15.08.22 Jet Wash Bay amended
 Rev B 10.08.22 Jet Wash Bay extended
 Rev A 30.11.21 Scale bar added

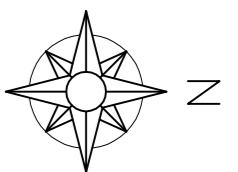
CLIENT
 602 Hagley Road West
 Quinton
 Birmingham
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JOB TITLE
 Car Wash

DRAWING
 Site Plan

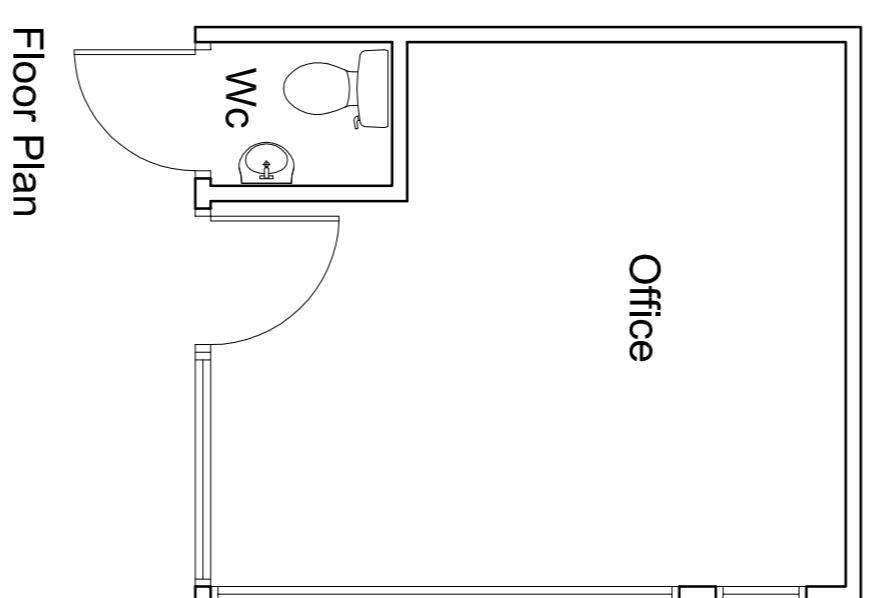
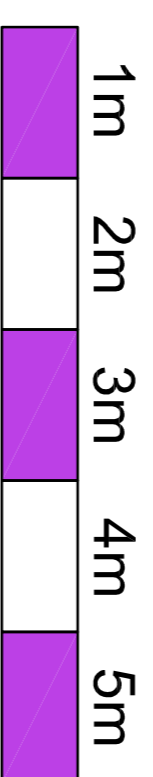
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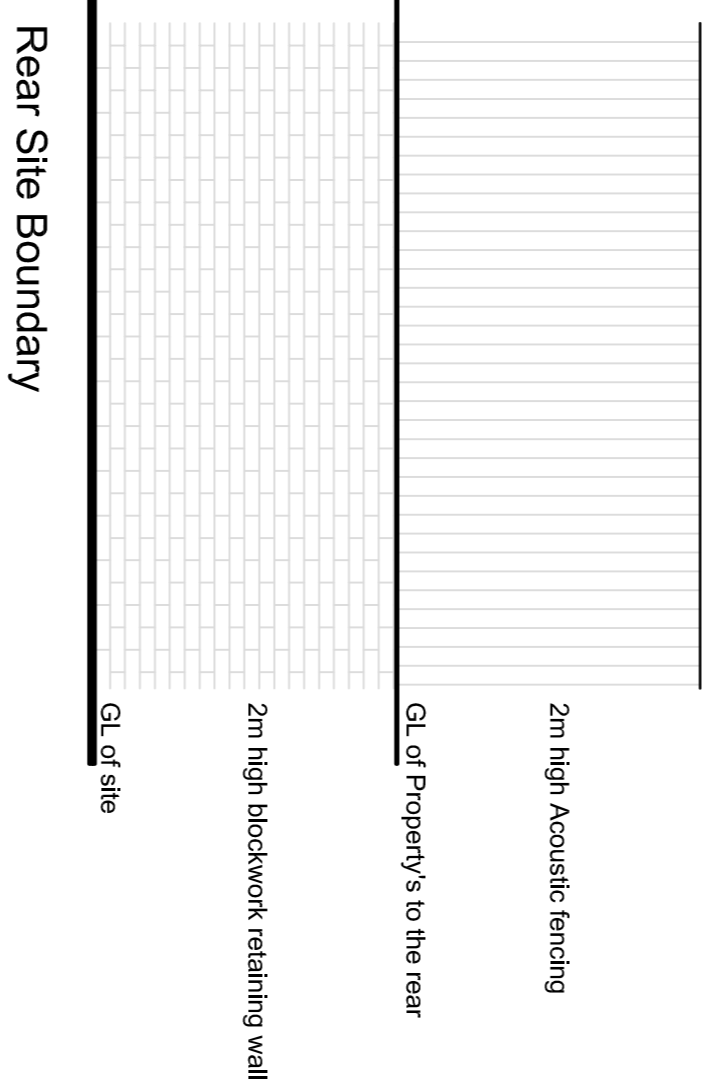


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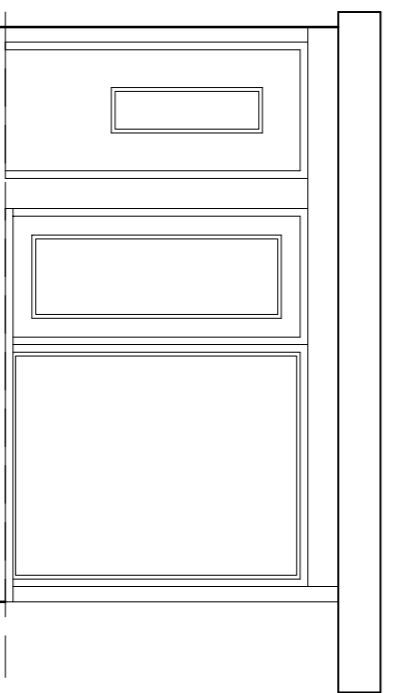
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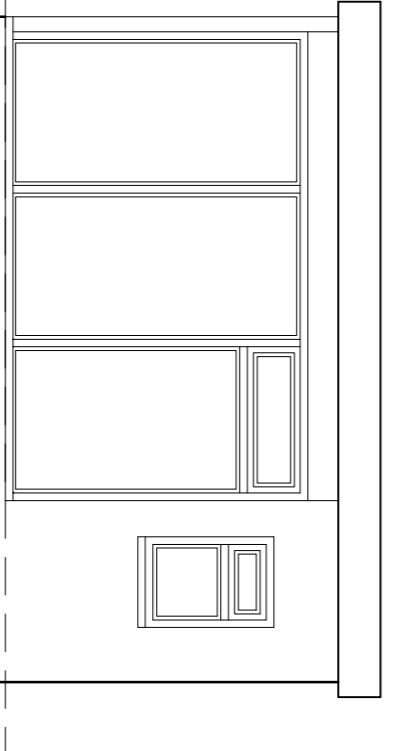
Floor Plan



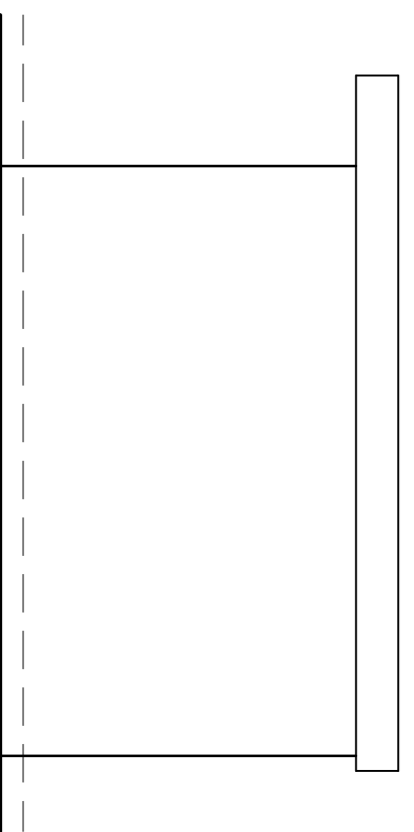
Rear Site Boundary



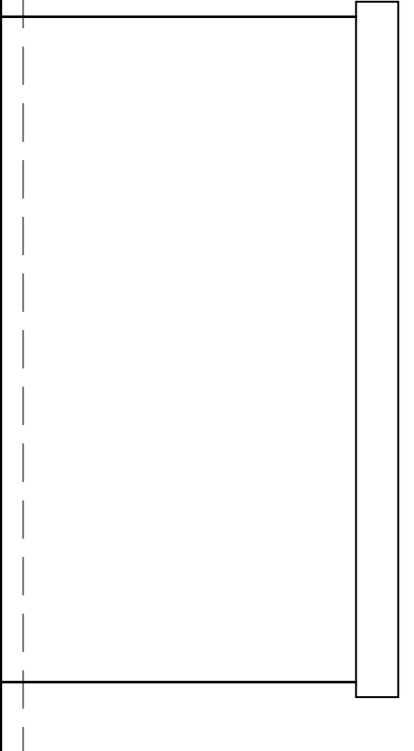
Front Elevation



Side Elevation

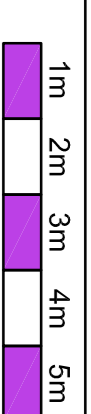


Rear Elevation



Side Elevation

Site Office



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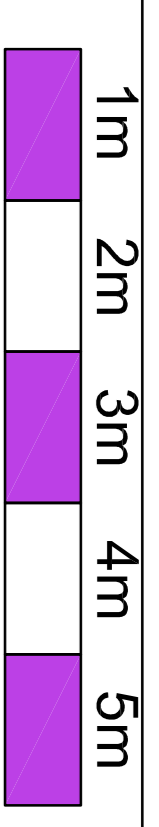
Rev C 15.08.22 Jet Wash Bay amended
Rev B 10.08.22 Jet Wash Bay extended
Rev A 01.03.22 Parking Shown
CLIENT
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Birmingham
B66 0BS

JOB TITLE
Car Wash

DRAWING
Site Office
Rear Site Boundary
Site Location Plan
Parking Layout

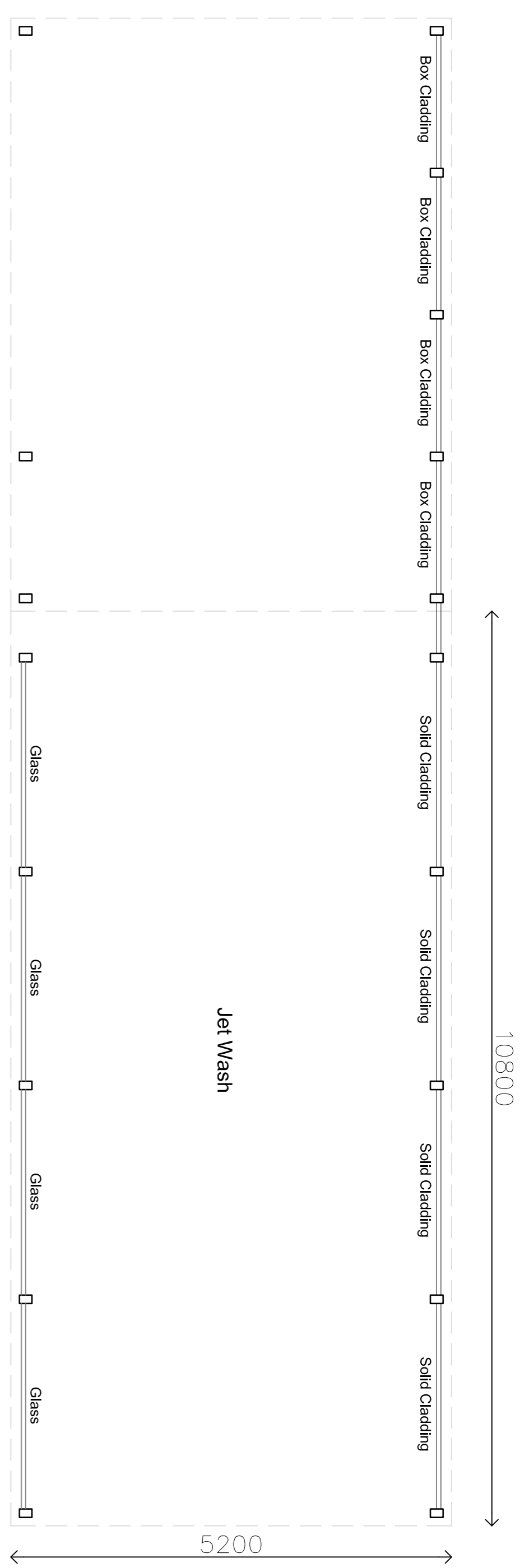
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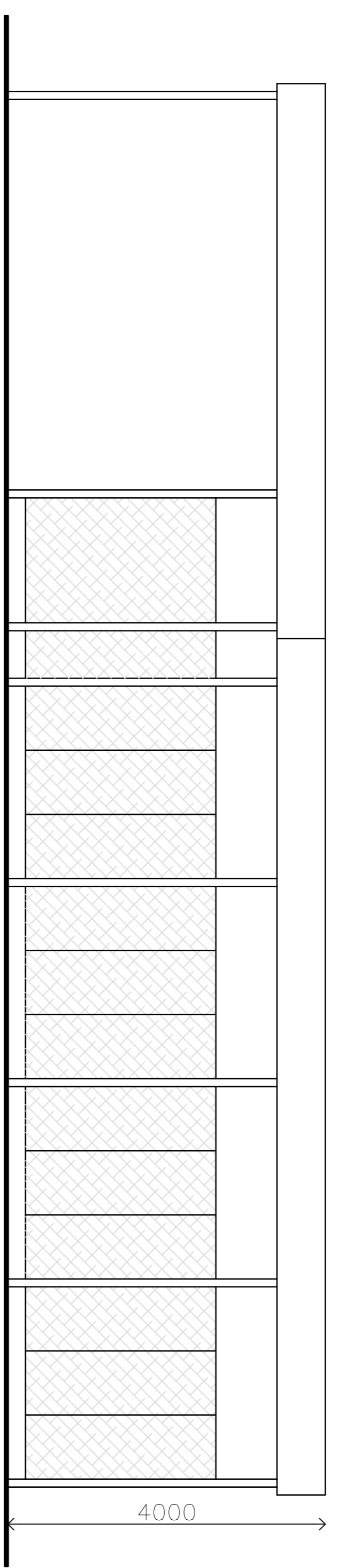


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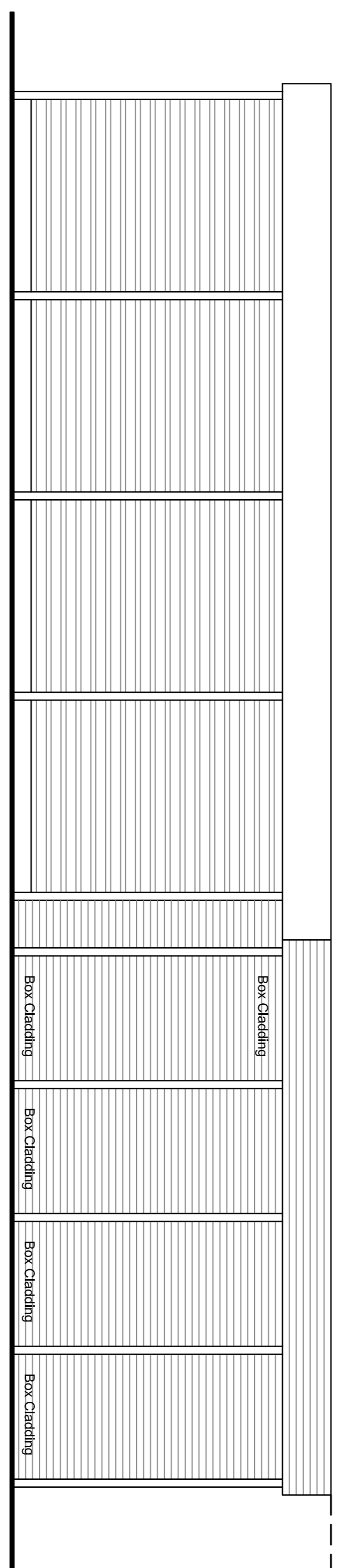
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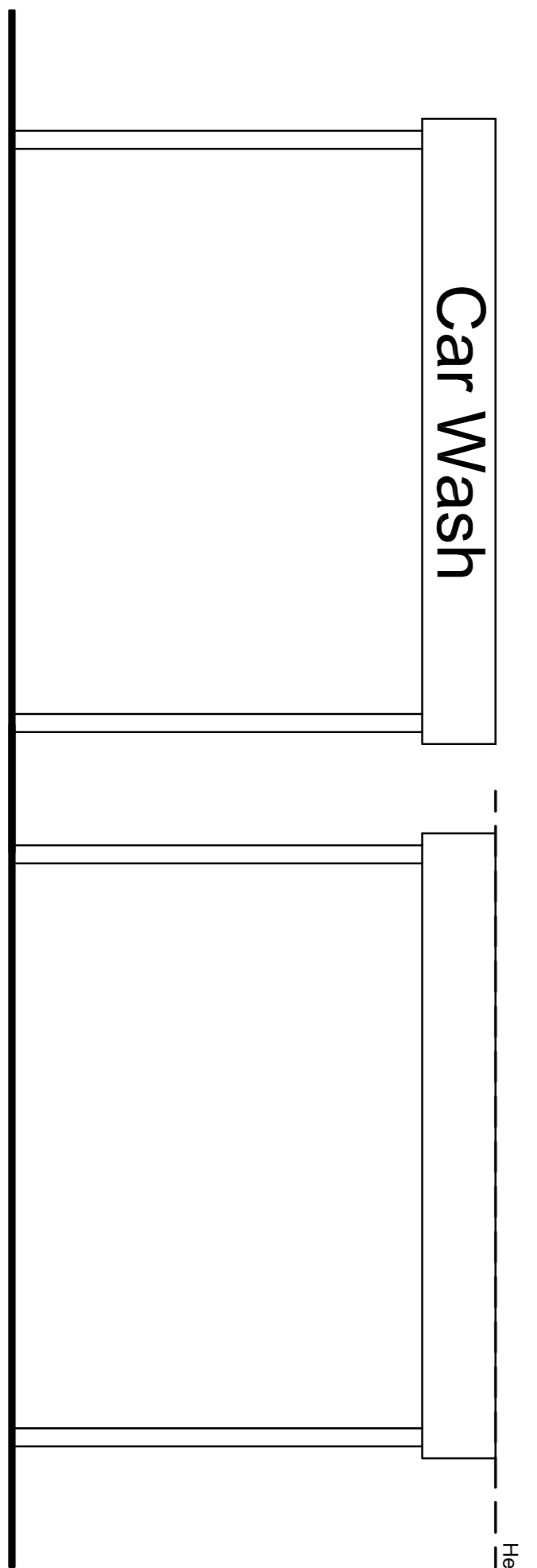
Floor Plan



Side Elevation



Side Elevation (Facing Boundary)



Car Wash

Front Elevation

Rear Elevation

Jet Wash Area

Rev B 24.08.22 Canopy height reduced
 Rev A 16.08.22 Boundary wall height indicated

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JOB TITLE
 Car Wash

DRAWING

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