

# Report to Planning Committee

**22 June 2022**

<b>Application Reference</b>	DC/22/66860
<b>Application Received</b>	30 March 2022
<b>Application Description</b>	Continued use of hand car wash (pursuant to temporary consent DC/18/61474) - permanent consent requested and proposed acoustic fencing to car washing bays. (Amendment to refused planning application DC/21/66229).
<b>Application Address</b>	Shine Bubbles Car Wash 90 Rood End Road Oldbury
<b>Applicant</b>	Mr Girat Khan Essakhil
<b>Ward</b>	St Pauls
<b>Contact Officer</b>	Alison Bishop Alison_bishop@sandwell.gov.uk

## 1 Recommendations

1.1 That, planning permission is granted subject to the following conditions:-

- (i) Temporary consent for two years;
- (ii) Hours restricted to Monday to Saturday 09:00 to 18:00 with no working Sundays/Public Holidays;
- (iii) Erection of the acoustic fence;
- (iv) No external storage of materials; and



(v) Drainage shall be maintained and retained at all times.

## 2 Reasons for Recommendations

The application site is situated within a commercial area and with the introduction of boundary treatment, drainage maintenance and restriction in hours, it would protect nearby residents from undue noise and disturbance,

## 3. How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)

	A strong and inclusive economy – The continued use of the site will provide employment opportunities
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## 4 Context

4.1 The application is being reported to your meeting because four material planning objections have been received.

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

[90 Rood End Road, Oldbury](#)

## 5 Key Considerations

5.1 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Traffic generation/highway safety

Noise and disturbance from the scheme

Appearance/design



## 6. The Application Site

6.1 The application relates to a commercial site located on the western side of Rood End Road, Oldbury. The character of the surrounding area is mixed use in nature with commercial and residential properties. The application site is part of a wider site used as a builder's merchants and for tile, bathroom and plumbing sales (DC/10/51737 refers).

## 7. Planning History

7.1 A planning permission was made in 2021 (DC/21/66229) to continue the use of a permanent basis following the previous grant of temporary consent but this was refused permission in February of this year. Following a refusal of planning permission the applicant has 6 months in which to appeal the decision, and in that time enforcement action is put on hold. In this case the applicant has chosen to submit a further application with amendments within the 6 months period to address the reasons for refusal. The car wash facility continues to operate on the site.

7.2 The refusal ref DC/21/66229 gave three reasons for refusal:-

- i) The continued use of the site as a car wash would be detrimental to the residential amenity of the surrounding area due to unacceptable levels of noise and general disturbance at unsociable hours.
- ii) There is insufficient information to determine the suitability of onsite drainage, contrary to policy ENV5 (Flood Risk, Sustainable Drainage Systems and Urban Heat Island) of the Black Country Core Strategy.
- iii) The accumulation of uses on the site, external storage of waste materials and poor boundary treatment is visually detrimental to the area and provides a poor outlook for neighbouring residential properties; contrary to policies and CPS4 (Place Making), ENV3



(Design Quality) of the Black Country Core Strategy and SAD EOS 9 (Urban Design Principles) of the Site Allocations and Delivery Plan Document.

7.3. The planning enforcement team have continued to monitor the site since the refusal of permission and the last visit found the site to be in a tidy condition. See photographs below:-



### 7.3 The relevant planning applications are as follows:

DC/21/66229	Continued use of hand car wash (pursuant to temporary consent DC/18/61474) - permanent consent requested.	Refused 11.2.2022
DC/18/61474	Proposed change of use to hand car wash, tyre sales, vehicle breaking and car sales, and erection of car wash customer waiting room and shelter for car drying, and boundary fencing.	Grant temporary conditional consent 17.5.2018
DC/16/59569	Retention of use of tyre sales & fitting, and hand car wash.	Grant temporary consent 10.08.2016
DC/10/51737	Change of use from public house to builders merchants supply (B8) at ground floor and office (A2) at first floor with new rear fire escape and vehicular access.	Grant permission with conditions 17.3.2010

## 8. Application Details

- 8.1 The applicant is applying to retain the use of the site as a hand car wash following the recent refusal of planning permission for the same use.
- 8.2 Details of an acoustic fence have been provided to the frontage where the car wash facility would operate. The design would be solid wood to a height of 3 metres to a density agreed by Public Health.
- 8.3 This submission shows a drainage channel which then drains to a gully where waste water is captured.



8.4 The applicant has stated that the car wash will only operate between the hours of Monday to Saturday 09:00 to 18:00 with no working Sundays/Public Holidays.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letters and four material objections have been received.

### 9.2 Objections

Objections have been received on the following grounds:

- i) Access is from a busy road with bus route and serves a number of businesses on the site.
- ii) Other businesses operate from the premises, namely pallet storage, car sales, bathroom and kitchen units. Why were neighbours not informed;
- iii) Carpets are being cleaned and jet washed over the fence;
- iv) Too many car wash facilities within the immediate area (one right next door). A further facility is not needed;
- v) Fencing is unsightly and the premises is an eyesore;
- vi) Pallets are being stored on the site which raises fire safety concerns;
- vii) The wider site which operates as the builder's yard along with this site is untidy and permission should not have been granted.

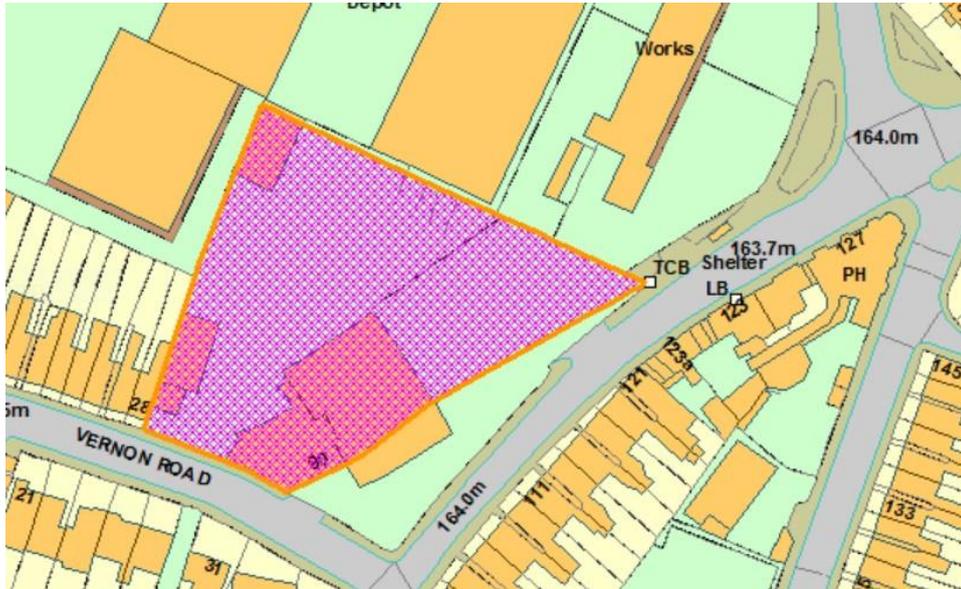
### 9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The access serving the car wash is considered to be acceptable allowing vehicle to enter the site to wait and then to leave in a forward gear. Furthermore, no objections have been received from Highways.



- (ii) There is an extensive planning history to this site with the site originally serving a public house (The Gate). The most recent planning permission for the wider site was granted in 2010 for the site to change to a builder's merchants. At the time of this application in 2010, 59 neighbour letters were sent and a site notice was displayed adjacent to the site. Therefore, I am satisfied that the materials stored on this part of the site would be those associated with a builder's merchants (see extent of site below).



- (iii) Carpet cleaning does not form the description as a car wash facility and so these activities should cease. The applicant has been informed as such and it is my opinion given the concerns raised by residents that only a temporary consent for two years should be granted to monitor the operation following the installation of the acoustic fencing.
- (iv) Each car wash facility would be considered on its own planning merits, competition is not a material planning consideration. On interrogating the planning history there is not consent for another car wash within this site. This permission was lapsed in August 2018.



- (v) I agree that the fencing to the frontage is unsightly, the introduction of the timber acoustic fence will ensure that its appearance is improved for a section of the site where the main car washing activities take place. As temporary consent is only recommended at this time I consider that any additional boundary treatments would be unreasonable.
- (vi) Pallets are stored on the site as is evident in the last photograph. A condition is recommended to state that there will be no external storage.
- (vii) It is accepted that this area is more commercial in appearance, the builder's yard is set further back from residential property on Rood End Road but this site does sit within other existing commercial uses. Notwithstanding this, I do accept that longer term solutions such as improved boundary treatments should be considered for this site. Unfortunately, this cannot be considered as part of this application given the separate ownerships and the nature of the temporary consent recommended.

## 10. Consultee responses

### 10.1 Highways

No objections, no accidents at the vehicular access of the site have been recorded since the temporary consent in 2018.

### 10.2 Public Health (Noise)

Public health considered that an improved acoustic fence design and that hours should be restricted to week days only. The applicant has confirmed that the hours will be restricted as requested. A revised plan has been received and Public Health re-consulted. The design is acceptable in terms of a noise barrier. Both the fencing and hours can be imposed by condition.



## 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.

## 12. Local Planning Policy

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

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

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 boundary details. As indicated an acoustic fence is proposed which will screen the proposal. In addition, preventing open storage by condition will also improve the overall appearance of the site.

12.3 Given the hardstanding nature of the site, a designed drainage system is required. Drainage details have been provided and would indicate that a receptor is in place to manage waste water from the site. This can be conditioned to ensure that is maintained.

12.4 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 introduction of the acoustic fence and hours of operation would mitigate the effects on residential amenity.



## 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 Traffic generation/highway safety

As indicated above, no objections have been received from highways, with no accidents recorded at the entrance of the site.

### 13.3 Noise and disturbance from the scheme

With the additional acoustic fencing and restrictions to hours of operation, noise should be controlled to an acceptable level so as not to cause harm to residential amenity.

### 13.4 Appearance/design

The imposition of no external storage and the acoustic fencing should ensure that the site remains tidy and obscures the main car wash area from residential property.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. Given the revisions to the proposal, should these be adhered to then the scheme would be acceptable in planning terms. In addition, a temporary consent will also allow the local planning authority to monitor the activities that are conditioned.

## 15 Implications

<b>Resources:</b>	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.
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<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	None.

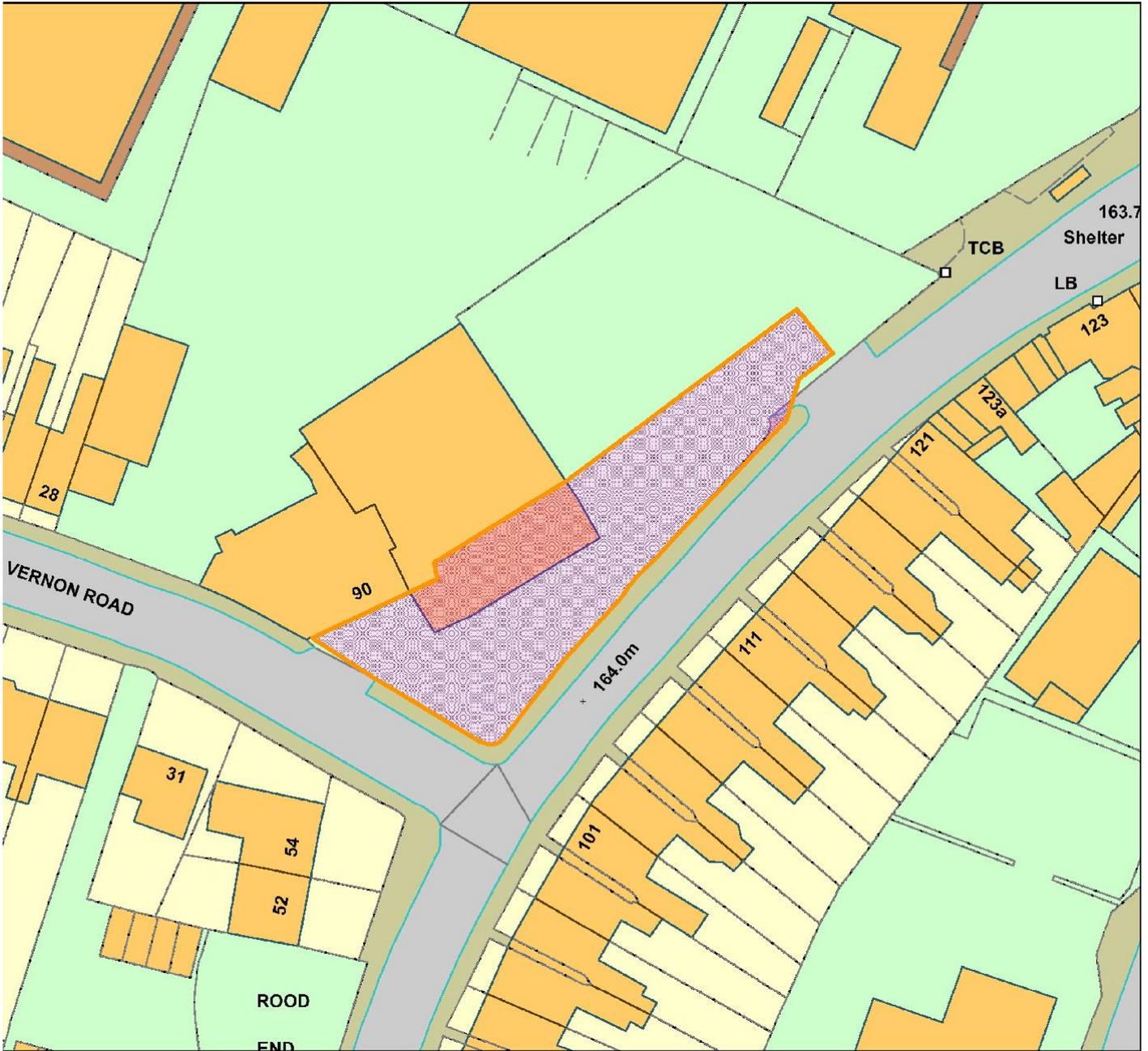
## 16. Appendices

Location Plan  
Context Plan  
Existing plan  
Proposed plan  
Block plan



DC/22/66860

90 Rood End Road, Oldbury



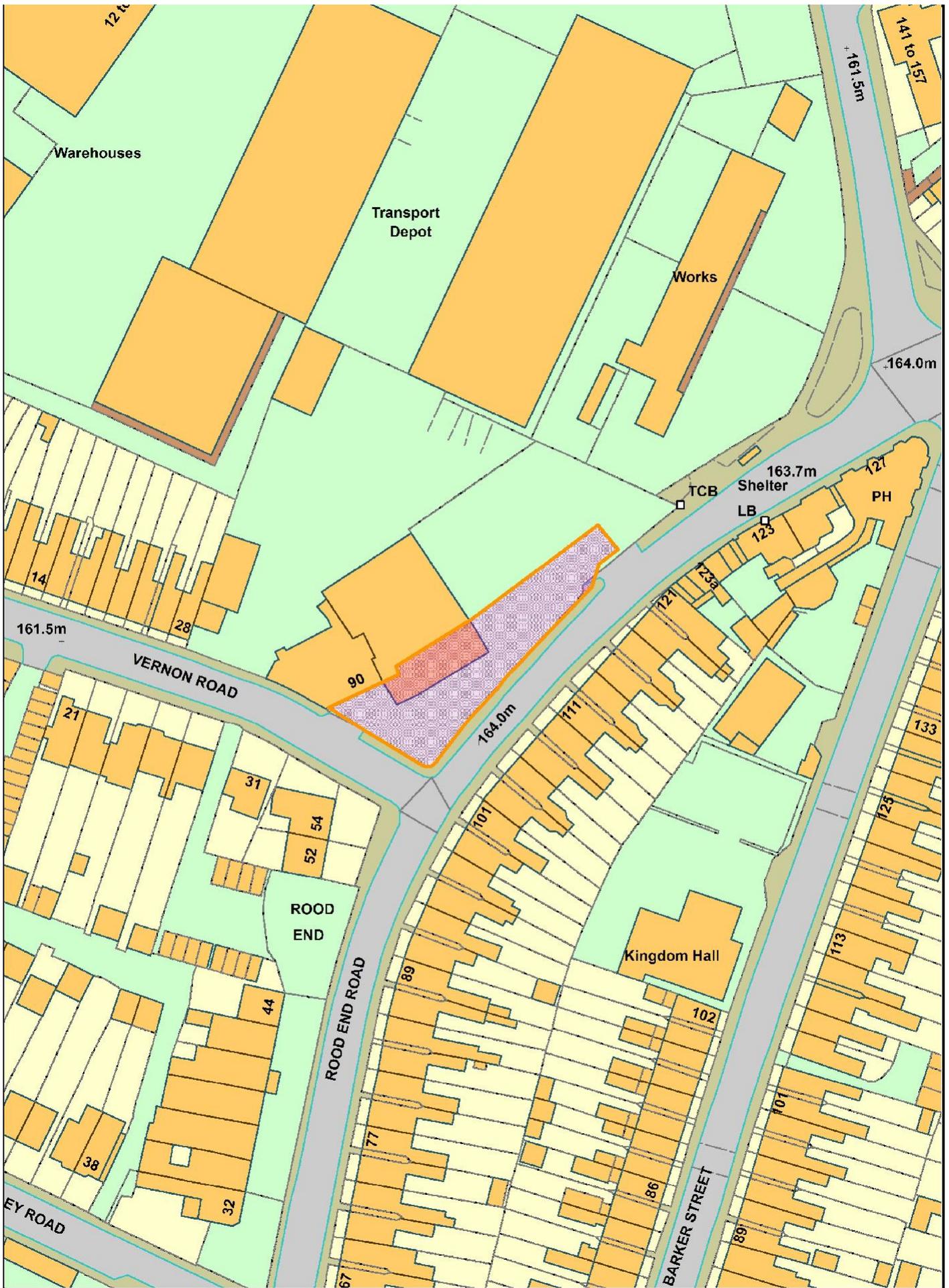
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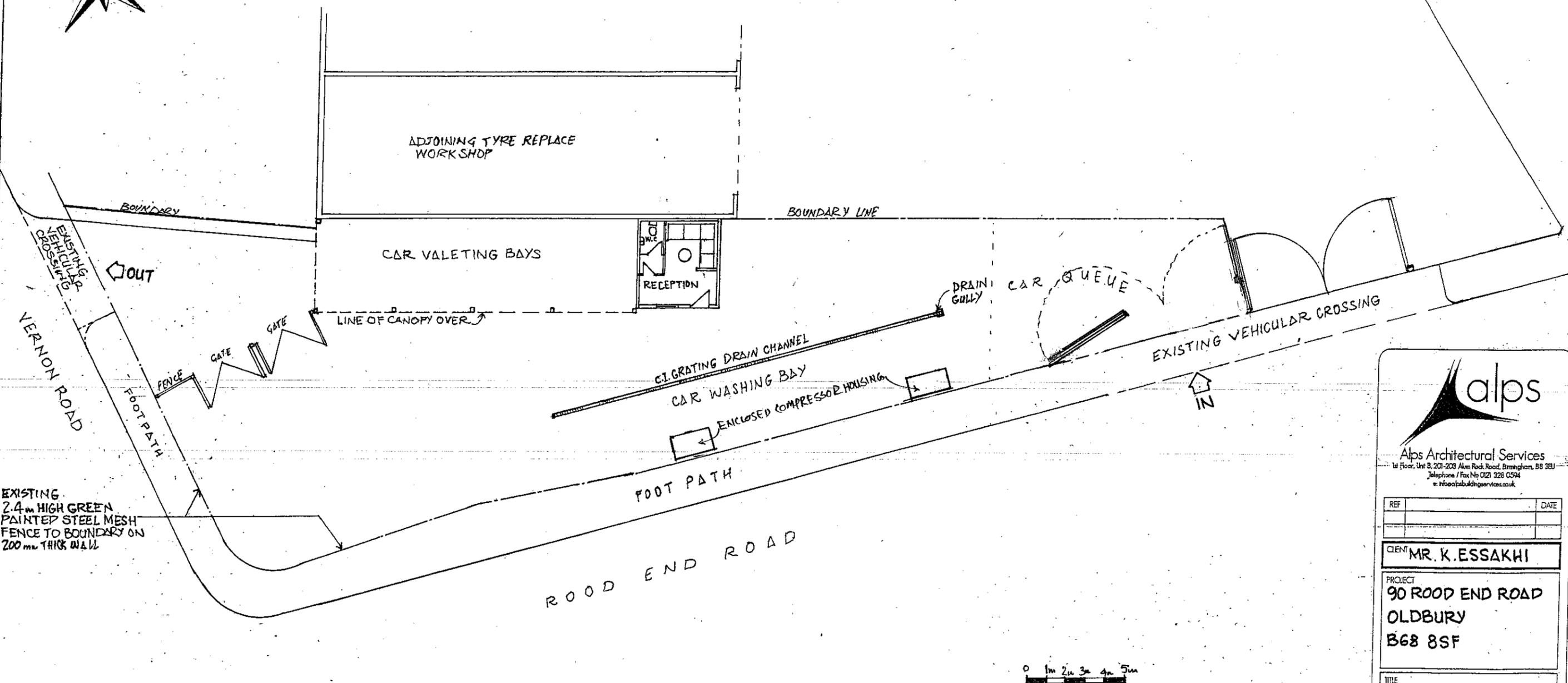
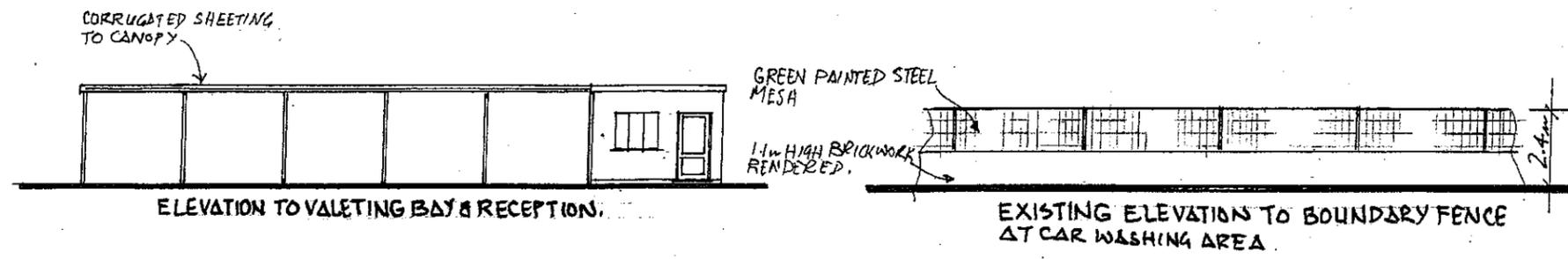
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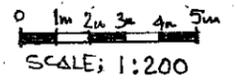
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Department	Not Set
Comments	Not Set
Date	07 June 2022
OS Licence No	





EXISTING 2.4m HIGH GREEN PAINTED STEEL MESH FENCE TO BOUNDARY ON 200mm THICK WALL

EXISTING SITE PLAN



**alps**  
Alps Architectural Services  
1st Floor, Unit 3, 201-208 Alton Road, Birmingham, B8 3EU  
Telephone / Fax No 0121 328 0594  
e: info@alpsbuildingservices.co.uk

REF	DATE

CLIENT: **MR. K. ESSAKHI**

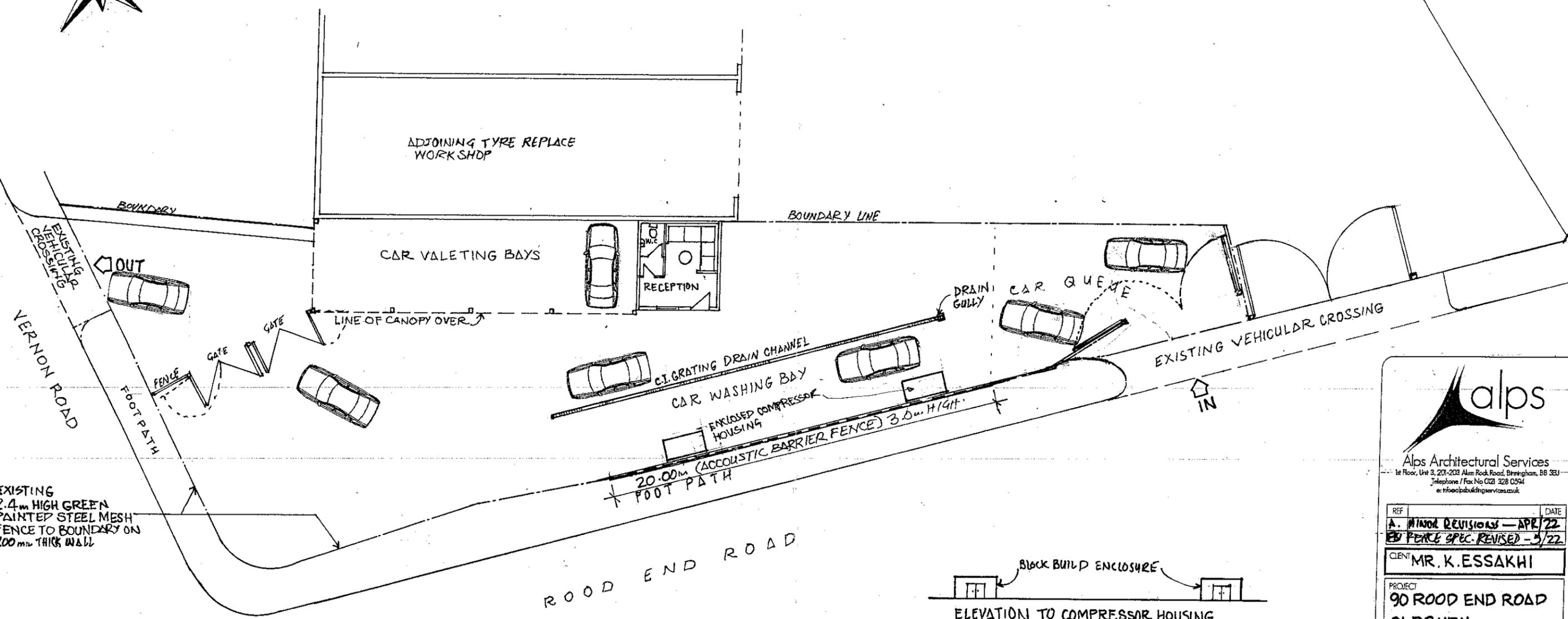
PROJECT: **90 ROOD END ROAD  
OLDBURY  
B68 8SF**

TITLE: **CONTINUED USE OF  
HAND CAR WASH**

DATE: **MAR 2022**

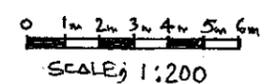
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JOB NO: <b>1314/01</b>	REVISION: <b>A</b>
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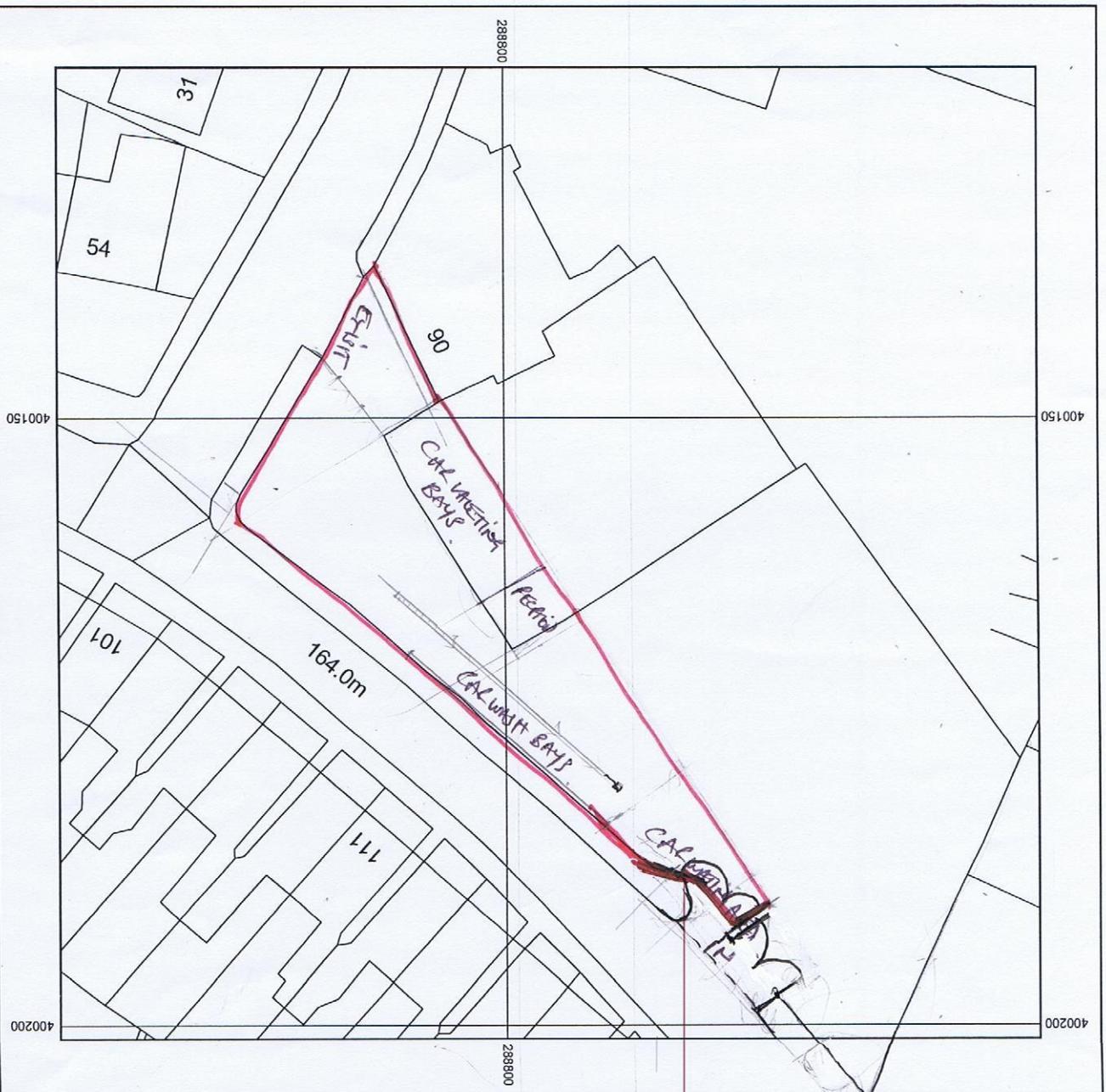
EXISTING 2.4m HIGH GREEN PAINTED STEEL MESH FENCE TO BOUNDARY ON 200mm THICK WALL

**PROPOSED SITE PLAN**



**alps**  
Alps Architectural Services  
1st Floor, Unit 3, 201-203 Alum Rock Road, Birmingham, B8 3BU  
Telephone / Fax No 0121 328 0594  
e: info@alpsbuildingsservices.co.uk

REF	DATE
A. MINOR REVISIONS - APR/22	
ED FENCE SPEC. REVISED - 5/22	
CLIENT	MR. K. ESSAKHI
PROJECT	90 ROOD END ROAD OLDBURY B68 8SF
TITLE	CONTINUED USE OF HAND CAR WASH
DATE	MAR' 2022
SCALE	1:200
JOB NO	1314/02
REVISION	B



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License number: 100031961  
Produced: 23/03/2022  
Serial number: 131411

Shine car wash  
90 ROOD END ROAD  
OLDBURY  
B68 8SF

Plot centre co-ordinates: 400162,288803  
Download file:  
Project name: 90 Roodend Road 500

