

<b>Application Number:</b>	3/21/0668/FUL
<b>Webpage:</b>	<a href="http://dorsetforyou.com">Planning application: 3/21/0668/FUL - dorsetforyou.com</a> <a href="http://dorsetcouncil.gov.uk">(dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Land rear of 5 High Street (High Street Car Park) Wimborne Minster BH21 1HR
<b>Proposal:</b>	Extend existing single storey building and change use to that of hand car wash facility
<b>Applicant name:</b>	Mr O Urel
<b>Case Officer:</b>	Kevin Riley
<b>Ward Member(s):</b>	Cllr Bartlett and Cllr Morgan

<b>Site Notice expiry date:</b>	<b>20/08/2021</b>
<b>Last comment date :20/08/2021</b>	<b>Extension of time:</b>

#### 1.0 Reason application is being considered by the Committee:

1.1 At the request of the nominated officer

#### 2.0 Summary of recommendation:

That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out in the report.

#### 3.0 Reason for the recommendation:

- On balance, the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.
- The proposed hand car wash will not have a significant impact on Highway Safety. The Highways Authority has no objection.
- The proposal will not harm the historic significance of Wimborne Conservation Area.
- The proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance.
- There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	On balance the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.

Parking and Highway Safety	The proposed hand car wash will not have a significant impact on Highway Safety
Impact on the Conservation Area and neighbouring Listed Buildings	The proposal will not harm the historic significance of Wimborne Conservation Area or the nearby Listed Buildings.
Amenity of neighbouring properties	Subject to conditions to regulate noise, no significant harm to the amenity of neighbouring properties would be caused.
Wastewater disposal	The proper disposal of wastewater is subject to control by environmental legislation and other regulatory bodies and as such the disposal of any wastewater produced is not a material planning consideration, in this instance.
Public sewer affected	It is likely that the proposal will require the diversion of a public sewer. This is a matter for Wessex Water.
Groundwater flooding	Surface water will be disposed of via the SuDS Hierarchy which is subject to Building Regulations

## 5.0 Description of Site

High Street Car Park is located to the rear of the eastern side of Wimborne High Street. It is accessed by a narrow lane which passes between No 5 and No 7 High Street. The Car Park is not metaled or formally laid out. It is managed, but not owned, by Dorset Council. At the far (easternmost) end of the car park is a footbridge over the River Allen connecting the car park with the Co-op car park. There is also a fishmonger business at the far end of the car park. Along much of its southern side the car park is enclosed by the rear extensions to No 7 High Street (McColl's newsagent and post office). The building that is proposed to be extended and converted to a car wash is located adjacent to the rear post office extension.

## 6.0 Description of Development

To extend a single storey building and change its use to that of hand car wash facility. 4 parking spaces will be lost as a result of the proposal.

## 7.0 Relevant Planning History

3/19/2507/PAL Pre-app advice Advice Date: 09/03/2020  
Extend existing single storey building and change use to that of hand car wash facility.

## 8.0 List of Constraints

Adjacent Listed Buildings including THE SQUARE POST OFFICE/ MARTINS  
Newsagent Scrivens and Café Aroma

Conservation Area - Wimborne Minster

Groundwater\_PC

Wimborne Minster Town Centre

Primary Shopping Centre

Conservation Area Wimborne and Colehill

Groundwater Source Protection Zones, The total area needed to support the  
abstraction or discharge from the protected groundwater source

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

#### 1. Dorset Council Highways

The Highway Authority has NO OBJECTION to the proposal

#### 2. DC Conservation Officer

No objection subject to signage conditions

#### 3. DC Environmental Health

No objection:

- Noise impact assessment satisfactory
- Hours of operation to be limited
- Drainage details required

#### 4. Wimborne Minster Town Council

Comment:

- Support for the principle of a hand car wash in Wimborne.
- Concerns expressed re safety of access, noise levels and pollution contaminating river.

#### 5. Ward Member

Comment:

- Concern expressed by members of the public.
- Loss of the amenity space and car park spaces due to the extension of the pre-existing building.
- Additional traffic movement using a confined dog leg single carriage width entrance that is a shared space with pedestrians and vehicular traffic.

## 6. **Wessex Water**

Comment:

Wessex Water sent a letter of advice addressing the following matters:

- Drainage and water supply connection
- Public sewers
- Foul drainage
- Surface water drainage

## 7. **Dorset Council Planning Policy**

Comment:

- A 2017 retail study suggests a perception of a lack of car parking close to the town centre
- Ongoing retail study will be looking at availability of car parking.
- Given the lack of up to date evidence and the age of saved policy WIMCO23 we are unable to attribute significant weight to the saved policy.
- Given the points raised above planning policy would recommend a temporary permission in order for the harm to be assessed over a period of say 12-24 months.

## 8. **Dorset Council Parking Services**

Comment:

- Nothing further to add to pre-application advice comment: "this has the potential to get in the way of other car park users".

## **Representations received**

Forty-three letters of representation have been received objecting to the proposal for the following summarised reasons:

- Dangerous access pavement and close to a bus stop
- Access too narrow; vehicles have to reverse
- Queues for car wash may cause a hazard
- Loss of parking in town centre
- Noise will harm amenity of neighbouring dwellings

- Works will harm the Conservation Area and setting of Listed Buildings
- Wastewater runoff will pollute river
- The car park floods

## 10.0 Relevant Policies

### Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

#### **Adopted Christchurch and East Dorset Local Plan:**

The following policies are considered to be relevant to this proposal:

- KS1 - Presumption in favour of sustainable development
- KS2 - Settlement hierarchy
- KS11 - Transport and Development
- KS12 - Parking Provision
- HE1 - Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- ME1 - Safeguarding biodiversity and geodiversity
- ME6 - Flood Management, Mitigation and Defence

#### **Saved policies of the East Dorset Local Plan 2002**

- DES2 - Criteria for development to avoid unacceptable impacts from types of pollution
- WIMCO23 - Land off Old Road and Mill Lane, Wimborne shall be used for car parking

#### **Material considerations**

- Supplementary Planning Guidance - SPG 15 Wimborne Minster Conservation Area.

### National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits

when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
  - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
  - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
  - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

- The provision of a privately operated commercial car wash is not considered likely to disadvantage people with protected characteristics

## 13.0 Financial benefits

None relevant

## 14.0 Climate Implications

The site is within the main urban area boundaries of Wimborne. As such the location is considered to be sustainable and the proposal therefore has no significant climate implications.

## 15.0 Planning Assessment

### The principle of the development

15.01 The site is within the urban area of Wimborne where the principle of developing the site is in accordance with Policy KS2 *Settlement Hierarchy*. However, the site is also affected by saved Policy WIMCO23. This policy states:

*The following sites will be used for car parking:*

- (a) Land north of Old Road, accessed from Old Road;*
- (b) Land south of Mill Lane, accessed from Hanham Road.*

WIMCO23(b) affects the application site.

15.02 Planning Policy have commented:

15.03 *'Given the lack of up to date evidence and the age of saved policy WIMCO23 we are unable to attribute significant weight to the saved policy. However, in light of the responses to the Dorset Council Local Plan consultation and previous survey from the 2017 joint retail study stating residents feel there is a lack of car parking close to the town centre this appears to be a current issue for the town centre. Given the points raised above planning policy would recommend a temporary permission in order for the harm to be assessed over a period of say 12-24 months. This will also ensure the retail study being carried out as part of the Dorset Council Local Plan has been finalised and published and will form some of the evidence base to assess the need of car parking close to the town centre'.* (See Documents for full comment)

15.04 The policy officer's comments regarding a temporary permission are noted. However, the proposal involves the erection of an extension to a building and comments from Wessex Water suggest that the applicant may need to relocate a sewage pipe to facilitate the development. The proposal therefore requires a significant investment in extending a building. A temporary planning permission would not be appropriate in these circumstances as it would not be reasonable to approve costly permanent works under a temporary permission.

15.05 It is noted however that the framing of Policy WIMCO23 does not preclude uses ancillary to car parking at the site and that the proposal would require the loss of only 4 parking spaces, which is just 10% of the stated car parking capacity of the site. As such, were the proposal to be granted, the High Street Car Park could continue to be used for car parking, as required by Policy WIMCO23, albeit at a modestly reduced capacity. It is noted that hand car wash facilities operating as ancillary to the main use of a car park, are relatively common. It is considered therefore that there is no clear conflict with Policy WIMCO23 and as such, on balance the principle of the development is considered to be in accordance with that policy and the development plan.

15.06 Notwithstanding the above, in view of the fact that Planning Policy do not attribute significant weight to policy WIMCO23 and emerging policy for the future use of the High Street Car Park is currently uncertain, it is considered that the presumption in favour of sustainable development under paragraph 11 of the NPPF should be given significant weight with regard to the application of policy WIMCO23. It is noted that Planning Policy do not yet consider WIMCO23 to be out of date, but in view of the comments provided by Planning Policy it would not be appropriate to attribute full weight to that policy at this time.

#### Parking and Highway Safety

15.07 It is noted that Wimborne Town Council has stated its concerns regarding highway safety, commenting that *"Access and egress to and from the site via a narrow single lane off the main High Street is problematic and will create congestion in the town centre. The safety of pedestrians walking in and around the High Street and into the*



*car park is at risk*". Similar concerns have also been raised in the letters of objection received. However, these concerns must be considered in the context of the existing use of the site, as a car park, which itself generates significant traffic into the site and due regard must be given to the fact that the Highways Authority has stated "no objection" to the proposal. As the existing use of the site already generates a significant level of traffic using the narrow car park entrance, it is considered that the use of a part of the car park as a car wash will not significantly increase the number of vehicles using the site access and consequently highway safety will not be significantly harmed. For this reason, and because there is no objection from the Highways Authority a refusal on the grounds of significant harm to highway safety cannot be substantiated.

#### Impact on the Conservation Area and neighbouring Listed Buildings

- 15.08 The Conservation Officer comments that *"The site is situated in the Wimborne Conservation Area; however, the site is set back behind the main street accessed by a lane. The proposed building has no heritage value, and the immediate surrounds are of no historic interest. Two listed buildings are located at the entrance to the lane off High Street, namely Nos 5 & 7. Channelled views along the lane are possible from High Street.[...] I have no objections to the extension of the existing building, which will not compromise any views into or out of the Conservation Area or the setting of neighbouring listed buildings.[...] details of any signage proposed should be provided or made a condition of consent"*.
- 15.09 The Conservation Officer's comments regarding impact on heritage assets are supported. The proposal would conserve the historic importance of the Conservation Area and nearby Listed Buildings and is in accordance with Policy HE1.
- 15.10 The Conservation Officer's comments regarding signage are noted. However, signage is regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and there are no circumstances particular to the site to suggest that additional advertisement controls are necessary.

#### Amenity of neighbouring properties

- 15.11 Wimborne Town Council has stated a concern that *"[...] dB figures potentially fall within the dangerous continuous levels which are classed as between 80-89dB. At this level range there is a risk of permanent damage to hearing if sustained exposure at that level were to occur. The impact of noise pollution on neighbouring properties and businesses is a concern.[...]"*
- 15.12 The Environmental Health Officer has commented:

*I am happy with the conclusion of the [Noise Impact Assessment] report that the proposed development is likely to have a low noise impact upon nearby receptors. I have no adverse comments to make subject to the mitigation measures as detailed in the assessment "6.4 Required Remedial Works 6.4.1, 6.4.2 & 6.4.3"*.

*Any radio or amplified sound should not be audible past the boundary of the premises.*

*Due to the location of residential properties near to the proposed facility, Environmental Protection would expect a restriction to be placed upon hours of operation. The noise assessment has taken into account the operation times given in the application form.*

*Monday to Friday: 0900 – 1800*

*Saturday: 0900 – 1800*

*Sundays and bank holidays: 1000 – 1600*

*[...] Our records indicate that the proposed development lies within 250m of areas with current/historic potentially contaminative land uses. Please apply the unexpected contaminated land condition to any permission granted.*

- 15.13 In view of the findings of the Noise Impact Assessment and from its review by the Environmental Health Officer, it is considered that, subject to the officer's recommended conditions, the proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance. No other significant amenity issues are created by the proposal. As such the proposal is considered to be in accordance with Policy HE2 and Saved Policy DES2.

#### Wastewater disposal

- 15.14 Wimborne Town Council has also stated a concern that wastewater from the car wash could contaminate groundwater and the River Stour and River Allen. The Environmental Health Officer has also recommended that further information is provided in relation to the proposed drainage. However, the proper disposal of wastewater produced by the operation of the car wash is subject to control by environmental legislation and other regulatory bodies and as such the proper disposal of wastewater disposal is not a material planning consideration in this instance. Notwithstanding this point, it is considered prudent to attach an informative note to the planning permission, if granted, to draw the attention of the applicant to the advice given by Wessex Water. Wessex Water were consulted regarding the proposal and have provided advice for the applicant regarding wastewater drainage in its letter reference ED/NC/430 dated 13/08/2021.

#### Public sewer affected

- 15.15 Wessex Water have commented:

*According to our records there is an existing public foul sewer crossing this site. Your contractor must undertake a private survey to determine the precise location of the existing sewer. There must be no structures over the public sewer manhole and the sewer will require diversion. Further information on sewer diversions can be found on our website.*

*In the circumstances it is recommended that a revised drawing showing how the existing sewer will be protected is submitted to the planning authority prior to planning decision.*

15.16 The drainage overlay requested by Wessex Water has been provided by the applicant and it shows that, based on existing survey information, the proposal would be built over a sewer and manhole cover. Wessex Water advice note *WWDS-DEV 014G Sewer diversion* states that “*under no circumstances will we permit building over a sewer where [...] a manhole would be inside a building*”. Subject to further surveys, it appears likely that it will be necessary for the applicant to apply to Wessex Water for permission to divert the sewer. However, this is a matter for Wessex Water. An informative drawing attention to the Wessex Water’s advice in this regard would be added to the planning permission if granted.

Groundwater flooding.

15.17 Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Subject to compliance with Building Regulations the proposal will not increase surface water flows or the risk of sewer flooding and pollution.

## 16.0 Conclusion

- On balance the principle of the development is considered to be in accordance with saved policy WIMCO23 which provides that the High Street Car Park shall be used for car parking.
- The proposed hand car wash will not have a significant impact on Highway Safety.
- The proposal will not harm the historic significance of Wimborne Conservation Area.
- The proposal will not cause significant harm to the amenity of neighbouring development in terms of noise and disturbance.
- There are no material considerations which would warrant refusal of this application

For these reasons the proposed development is considered to be acceptable and in accordance with the development plan.

## 17.0 Recommendation

That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out below.

### Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing No 001 Site Location and Block Plan  
Drawing No 002 Proposed Site Plan 1:500  
Drawing No 003 Proposed Site Plan 1:200  
Drawing No 005 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external materials to be used for the walls shall be similar in colour and texture to the existing building to be extended or white painted render unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance of the development.

4. No machinery shall be operated and no activity carried out at the car wash premises outside the hours of 0900 to 1800 Monday to Saturday and 1000 to 1600 on Sundays or Bank Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

5. The extended building hereby permitted shall not be used for the purposes hereby permitted unless and until the remedial works detailed under section 6.4 of Impact Acoustics Ltd report reference IMP7017-1 have been implemented in full. The installed remedial works shall be permanently maintained and retained unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Reason: In the interests of the amenity of the area.

6. No plant or machinery associated with the operation of the car wash shall be operated outside of the extended building hereby approved.

Reason: In order to protect nearby residential properties from the adverse effects of excessive noise.

7. Any radio or amplified sound must not be audible past the boundary of the application site.

Reason: In the interests of the amenity of the area. Reason: In the interests of the amenity of the area.

8. In the event that contamination is found at any time when carrying out the approved development, works for the development shall cease until notified otherwise by the Local Planning Authority and it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination be found requiring remediation, a remediation

scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. All remediation measures identified in the approved remediation scheme must be carried out in accordance with the approved scheme. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

**Informatives:**

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
3. The applicant is advised that certain types of signage require express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. The applicant's attention is drawn to the letter from Wessex Water referenced ED/NC/ 430 dated 13/08/21 in respect of this application. The letter advises that according to Wessex Water's records there is an existing public foul sewer crossing the site and provides information regarding drainage and water supply connections

**Background Documents:**

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Application Reference: 3/21/0668/FUL

Site Address: Land rear of 5 High Street (High Street Car Park), Wimborne Minster, BH21 1HR

Proposal: Extend existing single storey building and change use to that of hand car wash facility

