

<b><u>No:</u></b>	<b>BH2016/02797</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Patcham Service Station Patcham By Pass London Road Patcham Brighton BN1 8YB</b>		
<b><u>Proposal:</u></b>	<b>Installation of two car wash bays.</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	09.09.2016
<b><u>Con Area:</u></b>	Adjacent Patcham	<b><u>Expiry Date:</u></b>	04.11.2016
<b><u>Listed Building Grade:</u></b>	Adjacent Grade II* & Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	RB Retail _ Licensing Services Ltd	23 Magister Drive	Lee-on-the-Solent PO13 8GE
<b><u>Applicant:</u></b>	Highway Stops Retail Ltd	Unit 11	Metro Trading Centre Second Way Wembley HA9 0YJ

## 1. RECOMMENDATION

- 1.1 **GRANT** planning permission, subject to the following conditions and informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan, Block Plan, Proposed Plans and Elevations	2190/1	B	09 <sup>th</sup> September 2016
Acoustic Report	Noise Impact Assessment		24 <sup>th</sup> March 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The jet washing services and vacuuming services shall only operate between the hours of 08:00 and 20:00.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to the northern section of parking area at Patcham Service Station. The existing site comprises a single storey retail unit with associated petrol pumps with a canopy over the forecourt. The relevant section of the site comprises an area of hardstanding to the northern end of the site.
- 2.2 The application seeks planning permission for the installation of two car wash bays to the north of the petrol station forecourt.

## 3. RELEVANT HISTORY

**BH2016/05064:** Display of non-illuminated signage to ATM cash machine. (Retrospective). Approved 07/12/2016.

**BH2016/05063:** Installation of ATM cash machine on concrete base with customer protection and anti-ram raid bollards and associated works. (Retrospective). Approved 07/12/2016.

**BH2015/02226:** Application for variation of condition 7 of BH2014/03788 (Removal of existing underground fuel pipework and dispensers, including vent stack and offset fills. Installation of new underground fuel tanks, pipework, fuel dispensers, vent stack and offset fills and new concrete and hard forecourt paving) to state that within 3 months of completion of works a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. Approved 16/10/2015.

**BH2014/04094:** Display of externally illuminated freestanding information signs and externally illuminated and non-illuminated projecting signs. Approved 06/03/2015.

**BH2014/03788:** Removal of existing underground fuel pipework and dispensers, including vent stack and offset fills. Installation of new underground fuel tanks, pipework, fuel dispensers, vent stack and offset fills and new concrete and hard forecourt paving. Approved 21/04/2015.

**BH2014/01327:** Display of 2no internally illuminated and 3no non-illuminated canopy signs and 1no internally illuminated site identification sign. Approved 03/07/2014.

**BH2007/03876:** Installation of ATM cash machine and bollards. Approved 10/12/2007.

## 4. REPRESENTATIONS

4.1 **Six (6)** letters have been received objecting to the proposed development for the following reasons:

- The vibration from building work at the garage could cause serious problems for neighbouring buildings.
- There are car washing facilities just down the road at the roundabout and at Hollingbury ASDA.
- May make the traffic jams and accidents worse in the London Road.
- Lots of noise from the garage and litter is thrown down into our garden.
- Back directly onto residential gardens
- Recent groundwater flooding at neighbouring properties
- Would put undue pressure on drains
- Impact on adjacent listed building and conservation area

## 5. CONSULTATIONS

### 5.1 Environmental Health:

#### Initial Response - Insufficient Information

This particular application seeks the installation of 2 new car wash bays at an existing petrol filling station. The drawings supplied indicate that these are jet wash type bays and I am particularly concerned over noise.

5.2 Jet wash activities generate a number of calls and complaints to the department due to the different and intermittent noise sources associated with them. The generators, the water hitting splash panels and the hiss of operations all contribute to cause noise. The bays are located behind a wall separating residents and I do not have any noise reports or documentation with the application which will identify the likely impact. I am therefore of the opinion that without any detail on which to comment, there is insufficient information.

#### 5.3 Further Response – No Objection

Following the submission of an acoustic report the Environmental Health Team raised no objections to the scheme provided a condition securing operational hours was added to the permission.

#### 5.4 **Sustainable Transport:** No objection

The proposed car wash facilities are unlikely to have a significant impact on the highway being on a site that has adequate capacity and already accommodates vehicles. It is recommended that the LPA notifies Southern Water to this proposal as there may be additional surface water and foul discharge to the sewer network. Southern Water may wish to limit any additional discharge.

#### 5.5 **Southern Water:** No objection

Recommend approval subject to addition of the requested informatives.

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP2 Sustainable economic development
- CP3 Employment land
- CP4 Retail provision
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

- TR7 Safe Development
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD27 Protection of amenity
- EM4 New business and industrial uses on unidentified sites
- SR8 Individual shops
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD14 Parking Standards

## 8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the acceptability of the use in principle; the impact of the proposal on the character and appearance of the surrounding area; the impact on transport; and the impact on neighbour amenity.
- 8.2 **Principle of Development:**  
The proposed site forms part of a petrol station set on the London Road. The site itself is set within a mixture of uses with residential properties to the north east and commercial properties to the east including a repair garage and a supermarket on Old London Road.
- 8.3 The proposal would be located within an existing area of hardstanding which appears to be relatively unused and underutilised. None of the floorspace of the petrol station itself would be lost as a result of the development.
- 8.4 It is considered that the minimal loss of an area of the car park would result in a marginal impact of the viability or function of the unit.
- 8.5 **Design and Appearance:**  
The proposed structure would be located adjacent to the eastern (rear) wall of the site and would consist of a 3m tall wall to the rear with three 2.4m tall glazed partitions in order to create two car wash bays.
- 8.6 The proposal site is adjacent to the Patcham Conservation area in addition to several Grade II Listed Buildings and one Grade II\* Listed Building - Southdown House (51 Old London Road). As the proposal would not fall within the conservation area and would not be within the curtilage of the neighbouring Listed Buildings and would be screened by the boundary treatment it is not considered that any significant harm would occur to the setting.
- 8.7 Whilst the proposal would be prominent when viewed from London Road, the structure would not appear overly prominent due to openness of the structure and the glazed partitions. The structure is not considered to appear incongruous given the commercial nature of the site and the surrounding context including the petrol station canopy and associated structures.
- 8.8 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.9 The properties most likely to be affected by the proposal would be those immediately adjacent to the rear of the site on Old London Road. The proposed washing bays would be located adjacent to the eastern boundary of the site, directly opposite 51 and 49 Old London Road and close to the rear garden of 1 Southdown Mews. Whilst the physical structure would be partially visible from the neighbouring gardens the majority of it would be screened by the existing wall on site and vegetation adjacent to the boundary. Having

regard to the existing screening and the approximate 11m-15m separation between the proposal site and neighbouring properties is not considered that the development would give rise to significant loss of light or outlook.

- 8.10 The main area of concern relates to the potential noise impact of the proposal, given the close proximity to residential dwellings.
- 8.11 Environmental Health raised concerns with regards to potential noise issues from the use of the jet washing, and as such an acoustic report was requested in order to demonstrate the noise impact of the proposal on residential properties.
- 8.12 This report has been assessed by the Environmental Health team, who consider it to be scientifically robust.
- 8.13 The report has undertaken background measurements at the proposed site, and has assessed another Highway Stop utilizing the same model of jet wash proposed. With regards to the proposed equipment, the report has measured the jet wash itself, the jet wash alarm, and the vacuum. The loudest of these was the alarm.
- 8.14 The report demonstrates that due to the high traffic noise level produced by London Road, the noise from the proposed car wash equipment will be 13 dB to 26 dB below the current background at the nearest residential receptors, during the proposed hours of operation. As such the report concludes that proposed would be considered to have "Low Impact" on neighbouring residents under BS4142:2014.
- 8.15 The Environmental Health team have recommended that the operational hours of the car wash facilities shall be restricted to between 8:00 and 20:00. This shall be secured by condition.
- 8.15 **Sustainable Transport:**  
The sustainable transport team have confirmed that the proposed car wash facilities are unlikely to have a significant impact on the highway being on a site that has adequate capacity and already accommodates vehicles.
- 8.16 **Other Matters:**  
It has been noted that several of the objections relate to history of flooding and possible flooding as a result of the proposed development. Southern Water have been consulted as part of the application and require a formal application for connection to the public sewerage system for this development.

## 9. EQUALITIES

- 9.1 None identified.