

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/04801/FULL1

**Ward:**  
**Copers Cope**

**Address :** National Westminster Bank Sports  
Ground Copers Cope Road Beckenham  
BR3 1NZ

**OS Grid Ref:** E: 536947 N: 171056

**Applicant :** Mr Ilirjan Madani

**Objections :** YES

### **Description of Development:**

Change of use from car park to construction of a hand car wash business including low level canopy and party-cabin to be used as customer waiting area and storage of equipment.

Key designations:

Biggin Hill Safeguarding Area  
Green Chain  
London City Airport Safeguarding  
Metropolitan Open Land  
Smoke Control SCA 12

### **Proposal**

Planning permission is sought for a change of use of the land to commence a hand car wash facility. The proposal would involve the laying of a concrete surface, the erection of an acrylic and steel roof supported by steel columns adjacent to the western boundary, the erection of a storage and office container cabin with a 2.3m height in the northeastern corner of the site. The existing access to this site would become access and egress and the site would accommodate parking for 8 vehicles. A new boundary wall would be erected alongside the football pitches while the boundary wall to the highway would be retained.

### **Location**

The application site is located adjacent to Copers Cope Road within a grassed area in between a collection of five-a-side football pitches and the boundary wall to the highway. The site comprises of a gym and facilities associated with the operation of the football pitches on the site (including Gambado's, Goals, Beckenham Gym, RBS Bowls Club, RBS Rugby Football Club & Crystal Palace Football Club Academy).

The opposite side of the road comprises further sports pitches. Residential development is located on both sides of the road a short distance to the southwest. The nearest is 50m away. A vehicular entrance from Copers Cope Road is located

immediately adjoining this site, shared with the gym. The site is located in Metropolitan Open Land (MOL) and within Flood Risk Zone 2/3.

## **Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- o The site already has limited parking for the volume of customers using the site
- o Building the car park will increase the traffic and congestion at the site
- o To introduce another entrance would double the traffic to an already congested entrance and exit
- o At the current time there is already not enough parking
- o No traffic survey has been undertaken
- o This area was designated by Goals to be made into a car park which was never completed
- o The site is designated as Metropolitan Open Land
- o The drawing shows the car wash next to an office block when in fact it is next to the children's play site Gambado's.
- o The noise levels would be much increased
- o The locality is residential and the use would not be appropriate
- o It is clear that cars would double park on Copers Cope Rd waiting to enter the site which would make Copers Cope Road even more dangerous for cars, cyclists and pedestrians
- o There is no need for another car wash. The area is served by facilities in Elmers End, Sainsburys Bell Green, Downham and Holmesdale Road
- o Recently experienced a fatality in Copers Cope Rd.
- o Parking along this section of rd would make the rd unsafe
- o The accompanying noise survey states that complains are likely unless mitigation measures are put in place The noise from the vehicles using the car wash from the use of power washers and vacuum cleaners are likely to impact on local residents causing noise and disturbance
- o The present car park does not provide sufficient capacity for users of the sports ground. This area should be used for its intended use as a further car park

## **Consultee comments**

Highways - There are numerous uses on the site including Bowls Club, Children's Amusement Centre, Goals 5-a-side and gym, in addition to the sports club use. In 2008 the area proposed for this current use was identified as being needed as an overflow car park for some 60 spaces. This, was to alleviate demand for on-street parking that was having an adverse affect on the free flow of traffic and conditions of safety in Copers Cope Road.

The recession has reduced use of the site to a level where this is not currently an issue. However, if that level of parking demand existed in the past then presumably it could do again in the future. Accordingly, there would be concerns that granting

permission for a permanent alternative use of this site could prejudice the ability of the site to provide additional parking, should demand return to previous levels.

A temporary permission be considered for this current application or the applicant be requested to provide details of where else the site might realistically, in both planning and highway terms, accommodate additional parking.

More information about the current uses(s) on the site and the associated car parking demand should also be provided to substantiate the permanent loss of this potential car parking area.

The existing access to Copers Cope Road associated with this proposal is a temporary construction access that should have been reinstated once that work had ended. This access is not of a satisfactory standard/design for permanent long term use and its improvement should form part of the current application.

It is unclear if the proposed circulation shown for the car wash is practical on such a narrow site and should thus be supported by vehicle swept path analysis to demonstrate how all the various manoeuvres can be made.

8 car parking spaces are shown and reference is made to 5 people being employed on the site. Details of the arrangements for staff travel/parking and the adequacy of the 8 spaces to accommodate peak parking demand for the facility should also be provided to ensure the proposed use does not result in on-street parking/queuing into the highway.

Environmental Health - The acoustic assessment finds that the noise level from car washing activities will be 60dB LAeq against a residual (background) noise of 42dB LA90. Such a level would cause a significant adverse effect and be extremely likely to cause complaints. The report then suggests mitigations including 'only one operation is undertaken at a time within the premises', 'jet washing operations should be undertaken at least 10m further from the nearest noise sensitive receiver', and 'portable noise barriers are utilised around cars during noisy cleaning activity'. With these mitigations in place the report finds the rating level will be 43dB and concludes that complaints will be unlikely and the proposal is therefore acceptable.

The report does not use the proper methodology or assessment criteria of BS4142:2014 and is deficient in several respects including, but not limited to, application of rating penalties, use of a 50% on-time and conclusions drawn from the result obtained. The secondary use of BS8233:2014 as an assessment criteria is not correct for assessment of commercial industrial noise sources as this British Standard clearly states on Page 1 that it 'does not provide guidance on assessing the effects of changes in the external noise levels to occupants of an existing building'.

Irrespective of significant concerns over the quality of the assessment, even if the Council were to fully accept its conclusions I do not consider any of the mitigations suggested as sufficiently precise, measurable or enforceable to be useful planning conditions and I consider that the portable barriers suggested would prove

obstructive and inconvenient to use on a small site, unenforceable to monitor, and may be liable to degrade over time in the wet environment.

Given the likely noise level and character and the difficulty in ensuring necessary mitigations are sufficiently measurable and enforceable I would recommend that the application is refused.

Drainage - no objections

Thames Water - A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

### **Planning History**

Under application reference: DC/08/00147 planning permission was granted for 'Disabled lift to side of cricket pavilion/retention of repositioned football pitches and revisions to existing car park area including additional overflow provision and retention of construction access( increasing parking to 187 spaces) 10.01.2008

Under application reference: DC/08/00148/DET a details application was approved for 'Details regarding landscaping/bicycle parking/floodlights and community use agreement pursuant to conditions 2,4,6 and 10 of permission DC/04/02725 granted for 10 five-a-side football pitches/5m high netting and eighteen 8m high floodlights 10.01.2008

Under application reference: 07/01662 planning permission was granted for external alterations to health and fitness club. 22.06.2007

Under application reference 07/01646 planning permission was granted for the erection of roof plant (consisting of air conditioning and air handling units). 21.06.2007

Under application reference: DC/06/03776 planning permission was refused for a single storey extension for swimming pool.

Under application reference: DC/04/02725 planning permission was granted for 'Artificial playing surface for 10 five-a-side football pitches, 5m high side netting and eighteen 8m high floodlights 21.10.2004 (the original application for 10 five-a-side pitches). Condition 3 of the consent granted under this application referenced the scheme of parking as designated by DC/99/03611.

Under application reference: DC/99/03611 planning permission was granted for a 'Second floor extension, addition of roof to sports hall, staircase extensions, elevational alterations and additional car parking'. 27.04.2000 Links to DC/04/02725

Under application reference: 97/03300 planning permission was granted for 'Demolition of existing squash courts and replacement with new reception/pool house. 21.01.99

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (July 2015 and alterations). The National Planning Policy Framework 2012 (NPPF), as well as other national planning guidance is also relevant.

The Council is progressing with its new Local Plan, and first consultation has taken place, however the overall process is at an early stage and this would be afforded only limited weight at this time.

The most relevant Unitary Development Plan policies are as follows:

- T1 - Transport demand
- T2 - Assessment of transport effects
- T3 - Parking
- T11 - New accesses
- T15 - Traffic Management
- T17 - Servicing of premises
- BE1 - Design of new development
- BE4 - Public realm
- BE7 - Railings, boundary walls and other means of enclosure
- G2 - Metropolitan Open Land
- EMP9 - Vacant commercial sites and premises
- ER13 - Foul and surface water discharges from development.

SPG No.1 - General Design Principles

Bromley's policies and Unitary Development Plan can be viewed on the Council's website: [www.bromley.gov.uk/environment/planning](http://www.bromley.gov.uk/environment/planning)

The most relevant London Plan policies are as follows:

- Policy 4.1 Developing London's economy
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture

## **Conclusions**

The main considerations in assessing the proposal are considered to be:-

- o Principle of the use of the site as a car wash
- o Residential Amenity and impact on Adjoining Occupiers
- o Highways and Traffic Issues
- o Flooding and Drainage Issues

### Principle of the use of the site as a car wash

The proposed application site is currently unused grassed land which is located within Metropolitan Open Land. There are no structures on the site and it forms a buffer between the perimeter of the football pitches and the highway in Copers Cope Road. It is considered that the proposal could have a visually harmful impact on the character of the area in the context of the open space and recreational visual qualities associated with this area. In addition, the acceptability of the use is subject to other criteria in relation to the preservation of residential amenity and highway safety.

Policy G2 of the Bromley UDP and Policy 7.17 of the London Plan states that the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same protection as in the Green Belt.

Paragraph 7.56 of the above policy explains that paragraphs 79-92 of the NPPF on Green Belts apply equally to MOL. In line with this position, when considering planning applications substantial weight is given to any harm to the MOL. 'Very special circumstances' will not exist unless the potential harm to the MOL by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of a car wash and associated buildings is considered inappropriate development in the absence of any special circumstances being put forward.

## Residential Amenity and impact on Adjoining Occupiers

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing;

Noise of vehicles queuing to access the car wash and the noise of the activities taking place on the site would cause harm to local resident's amenity. The hours of opening (Monday - Friday 08:00-17:00, Saturday, Sunday & Bank Holidays 09:00-17:00) would mean residents along Copers Cope Road would be subjected to noise from jet washers and vacuum cleaners, particularly at weekends and Bank Holidays when the volume of related traffic is likely to be less and local residents might reasonably expect to enjoy some respite from traffic during these times.

The Environmental Health Officer has stated that the level of noise would cause a significant adverse effect to local residents and be extremely likely to cause complaints and that suggested mitigation are not satisfactory.

## Highways and parking

**Car parking:** The site is a PTAL 2 location with poor passenger transport accessibility. The 8 car parking spaces have been provided on the site for customers. Given the location and the numbers of vehicles using the wider site, there is potential for this capacity to be exceeded which would cause traffic and highways conflicts for vehicles arriving and departing from the site and also manoeuvring around the site. No indications are given as to the likely parking demands of staff working at the premises.

**Access:** An existing access point to the site would be utilised for customers and employees entering the site. Vehicles leaving this site would then exit the site from the same point as the means of access rather than utilising the existing fixed exit point that serves the leisure facilities on the site. Given that the boundary walls to the site would measure 1.9m in height above pavement level, it is considered that this would constitute an unsafe means of exit from the site given lack of appropriate visibility splays at this point. Furthermore, the lack of car parking capacity may cause vehicles to park in the area immediately in front of the warehouse building or exit the site using the exit road from the leisure facilities which again would be unsafe due to limited visibility for drivers.

The history of the site suggests that this area of land should be used for car parking spaces but for whatever reason not been built. Furthermore the Highways Officer has raised concerns and considers more information is required regarding the current users of the site and associated car parking demand to substantiate the permanent loss of this potential car parking area. The proposed circulation shown for the car wash is also questioned on such a narrow site. 8 car parking spaces are shown and reference is made to 5 people being employed on the site. Details of the arrangements for staff travel/parking and the adequacy of the 8 spaces to accommodate peak parking demand for the facility is also required to ensure the proposed use does not result in on-street parking/queuing into the highway.

The existing access to Copers Cope Road associated with this proposal is a temporary construction access that should have been reinstated once that work had ended. This access is not of a satisfactory standard/design for permanent long term use and its improvement should form part of the current application.

Water usage, surface water drainage and flooding.

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, and your attention is drawn to Chapter 5 of the London Plan (2011) and the Supplementary Planning Guidance entitled Sustainable Design and Construction. See also policy BE1(vi) of the UDP, regarding sustainable design and construction and renewable energy. We would expect compliance with these policies as far as is practicable.

The scheme would give rise to additional surface water discharge and run off given the use as a car wash and the laying of an impermeable surface. However, the proposals indicate that any water run off would drain to the existing drainage network on the site and the Drainage Officer has raised no objections.

The site however lies in Flood Zone 2/3 which is considered (medium/high risk). The Environment Agency were contacted and advised that a Flood Risk Assessment should be carried out. The applicant has not submitted a FRA as part of the application submission and there is concern that the proposal could lead to increased flooding to the wider site.

On balance, it is considered that the application should be refused.

**as amended by documents received on 07.03.2016**

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 01 The proposal would result in inappropriate development on Metropolitan Open Land which would result in a loss of openness, detrimental to the character and appearance of this area of Metropolitan Open Land, thereby contrary to Policy G2 of the Unitary Development Plan and Policy 7.17 of the London Plan.**
- 02 The Acoustic Report does not use the proper methodology or assessment criteria of BS4142:2014 and is deficient in several respects and as such the proposed use of the site has a car wash would have a detrimental impact upon the living conditions of those living nearby, contrary to Policy BE1, London Plan Policy 5.3 & London Plan Policy 7.15 and the Mayors Ambient Noise Strategy.**
- 03 The proposal as submitted would be detrimental to nearby residential amenity by reason of noise and disturbance and thereby contrary to Policy BE1 of the UDP.**



- 04** In the absence of sufficient information to demonstrate the maximum potential of the operation and the impact on parking in the locality, the proposal would be likely to result in an increase in demand for on-street parking and traffic queues on Copers Cope Road, as well the visibility for vehicles exiting the site onto Copers Cope Road, detrimental to residential amenities and prejudicial to the safety and free flow of traffic, contrary to Policies BE1 and T18 of the UDP.
- 05** The application is not accompanied by a satisfactory Flood Risk Assessment or details of groundwater investigations demonstrating that the proposal will not result in an unacceptable risk of flooding or groundwater contamination contrary to Policy ER13 of the UDP and Policy 5.12 & 5.13 of the London Plan.