

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

**Application No :** 16/00594/FULL1

**Ward:**  
**Darwin**

**Address :** Bristol Street Motors Ltd Sevenoaks  
Road Pratts Bottom Orpington BR6 7LP

**OS Grid Ref:** E: 545528 N: 163224

**Applicant :** Mr ANDY JOHNSON

**Objections :** YES

### **Description of Development:**

Proposed new car washing building and installation of acoustic fencing adjacent to the boundary with 11-15 Cudham Lane North.

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

### **Proposal**

This application proposes a new car wash building within the site of an existing car dealership on the south-western side of Sevenoaks Road. The site is situated adjacent to the A21 by a major roundabout which adjoins High Street Green Street Green, Old Hill and Cudham Lane North. The site contains a sales building and workshop and an outside parking area used in connection with this dealership. The proposed car wash is to be sited 1m from the common side boundary with number 11 Cudham Lane North and between 600mm-1.6m from the rear elevation of the host building. The proposed development is sited 13m from the adjoining Grade II Listed building, The Larches.

The proposed building will incorporate a footprint measuring approximately 8.7m(d) x 9.0m(w), and a partially sloping roof which will extend to a maximum height of 5.0m. It will incorporate two overhead doors and be constructed predominantly of cladding externally, with silver/grey rainwater goods. A 5m x 9m concrete hardstanding area will also be provided forward of the proposed building.

In order to mitigate noise emissions to neighbouring properties, this proposal also includes 2m-high acoustic fencing adjacent to boundary with 11-15 Cudham Lane North

Revised plans were submitted on the 31st March from the Applicant to enlarge the internal bay length of the car wash by 1m.

This application is to be considered in conjunction with application ref. 16/01124/FULL1 which relates to the installation of ducting and plant within the site.

## **Consultations**

### **Comments from local residents**

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

- o Bristol Street Motors have made no attempt to curtail existing noise on the site
- o No respect for neighbours
- o This scheme moves the wash bay closer to neighbouring residents, not further away, which is going to increase the noise
- o Confusion as to why another application has been submitted and the existing temporary car wash has not been dismantled.
- o Disregard for the semi-rural integrity of the area
- o Resultant noise and fumes will impact on the wider locality
- o The application is taking up too much committee time and should just be refused
- o The application is contrary to the PPG relating to the enjoyment of ones dwelling on the grounds of sound nuisance
- o The car wash should be sited away from residential properties
- o Sound mitigation methods are inadequate and the fencing should be higher
- o Noise from shouting between staff, chemical and petrol fumes and noise pollution.
- o There is a general lack of consideration from the site to neighbouring residents.
- o The acoustic assessment undertaken is questionable and provides no mitigation for the residents of The Larches.
- o The manoeuvring of vehicles will become more difficult within the site and there will be an increase in associated engine noise.
- o Overdevelopment of the footprint of the site
- o Issues regarding parking on the site will be exacerbated
- o The doors should be facing away from the residential properties, not towards them
- o Given the size of the site, alternative locations should be found away from residential properties
- o The door heights are proposed at 3.9m whereas the acoustic fencing measures 2m, this is not sufficient
- o The application should be read in conjunction with application 16/01124 with the combination of the two activities within one area causing nuisance to residents.

### **Consultee Comments**

Following submission of an acoustic assessment the Council's Environmental Health division noted that the acoustic assessment finds that it is theoretically possible to control noise on site to within reasonable levels, even accounting for

the new car wash building. This is dependent on quite extensive mitigation including the following:

- Upgrading the existing roller-shutter door on the existing car wash to a new door of a defined specification
- Building envelope of the new car wash to a defined specification providing a very high level of sound insulation
- Using the same roller door on the new wash bay as recommended above
- Installing acoustic fencing around the site perimeter to the adjacent residential dwellings

The report also mandates a number of behavioural requirements which would need to be required by condition. These include:

- All pressure washing and hoovering should only take place within the wash bays.
- Hand washing and polishing may be permissible outside of the bay but no powered tools or equipment should be used.
- While the wash bays are in use the doors should remain shut at all times.
- When the doors are open for access or egress washing activities should cease until the doors are fully closed.
- No radios should be used outside of the wash bays or when the wash bay doors are open.

Environmental Health considers that the implementation of the above measures, if they were complied with, would help to resolve some of the existing noise issues on the site by preventing external car washing and ensuring internal washing takes place in properly insulated bays. Whilst the above conditions, if complied with, might help to mitigate some of the existing noise related issues on the site, these conditions are very specific and would be reliant on strict management and enforcement of procedures by Bristol Street Motors, in perpetuity. Planning Officers question whether in practical terms the conditions proposed by Environmental Health are realistic, practical and enforceable.

After further consultation with Environmental Health in respect of the enforceability of the proposed conditions, Environmental Health have responded indicating that if the conditions are not considered to be reasonable or sufficiently enforceable from a Planning perspective then the view is that the development is unacceptable in noise terms. This is because with an open door to the wash bay (or external car washing taking place), car washing activities would not be sufficiently insulated to prevent unacceptable adverse impacts on neighbours.

After careful consideration of the proposed conditions and whether they will be practical for the operator during the operation of this business, Officers are of the view that it is unlikely that conditions will be enforceable.

No objections were raised by the Drainage Officer, subject to conditions.

### **Planning Considerations**

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

BE1 Design of New Development  
BE8 Statutory Listed Building

7.15 (London Plan) Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Townscapes

Section 12 of the National Planning Policy Framework: Conserving and enhancing the historic environment.

### **Planning History**

There is a detailed planning history associated with the application site, with details of applications since 1983 summarised below.

85/00138/FUL - New body workshops together with renovations and alterations to existing buildings - refused

88/02662/FUL - Detached building comprising body and paint workshop showroom and ancillary facilities together with canopy over used car sales area - Permission

91/00779/FUL - Change of use from workshop building to mot test centre - Permission

93/03083/FUL - Single storey extension to enlarge showroom and car preparation area - Permission

95/00379/FUL - Single storey extension to provide three vehicle valet bay - Refused

04/00343/FULL2 - Change of use to the display and sale of vehicles and alterations to existing boundary and landscaping treatment, use of land (formerly Larches Petrol Filling Station) for associated car parking for customers and staff - Refused

06/00853/VAR - Variation of condition 6 of permission ref 04/03446 to read 'No movement of vehicles for sale shall take place on the land coloured orange on Plan AR5 on any Sunday, Bank Holidays, Christmas Day or Good Friday or before 8.30am or after 6.30pm on any other day' - Approved

09/00521/FULL1- Detached building for MOT workshop - Permission

13/04278/FULL1 - Erection of parapet cladding screen, elevational alterations, new entrance, relocation of wash/valet bays and alterations to site entrance and car park - Permission

15/00271/FULL1 - Installation of ventilation ductwork and air handling unit and instillation of acoustic fencing to enclose plant RETROSPECTIVE APPLICATION - Refused

15/01917/ADV - Three internally illuminated fascia signs and one part externally/part internally illuminated entrance sign (Signs A, B, D and E) - Refused

15/02218/FULL1 -Installation of new car washing building and installation of acoustic fencing adjacent to boundary with 11-15 Cudham Lane North - Refused

A previous application ref: 15/02218/FULL1 for the installation of new car washing building and installation of acoustic fencing adjacent to boundary with 11-15 Cudham Lane North was refused at a previous committee, 21st January 2016. The reasons for refusal were:

1. The proposed building, by reason of its siting and design, would seriously undermine the setting of the adjoining Grade II Listed Building at The Larches, Sevenoaks Road, contrary to Policy BE8 of the Unitary Development Plan and Section 12 of the National Planning Policy Framework: Conserving and enhancing the historic environment.
2. The proposal would be over-dominant and would be detrimental to the amenities that the occupiers of the adjoining property at The Larches, Sevenoaks Road, might reasonably expect to be able continue to enjoy, by reason of visual impact and loss of prospect in view of its siting and design, contrary to Policy BE1 of the Unitary Development Plan.

## **Conclusions**

The main considerations in this case relate to the impact of the proposed on neighbouring amenity, with particular regard to noise attenuation, visual amenity, and highways.

The application is a re-submission of a previously refused application (ref: 15/02218/FULL1) for the installation of new car washing building and installation of acoustic fencing adjacent to boundary with 11-15 Cudham Lane North. The application has been amended in the following ways:

- Re-location of the car wash building away from the listed building, The Larches, and to the rear of the host building, closer to the common side boundary with number 11 Cudham Lane North (residential property).
- Increase in depth of the wash bays by 1m

The application site forms a major local car dealership which also incorporates vehicle maintenance, within which various activities have been consolidated over recent years. Whilst this application is also being considered at the same time as one for ventilation ducting and plant (ref. 16/01124/FULL1) the two applications should be considered on their own individual merits.

The application has been submitted following planning enforcement action triggered by neighbour complaints and the refusal of a previous submission. The Applicant is seeking to regularise car washing activities at the site by erecting this structure, which is located in a new location on the site from that as previously refused. There has been substantial public objection to the application with 13 objection letters received.

### Amenity Impacts

Whilst Environmental Health has identified a list of extensive conditions, including physical and behavioural measures, which if complied with could potentially provide suitable mitigation, it is also acknowledged that Planning Officers would need to consider whether these are enforceable. In the event Officers consider that these are not enforceable then the noise issues would not be suitably mitigated and they would object to the scheme. This is because with an open door to the wash bay (or external car washing taking place), car washing activities would not be sufficiently insulated to prevent unacceptable adverse impacts on neighbours. A planning judgement is required to be made as to whether the conditions are reasonable and enforceable.

The car wash has been re-located to the rear of the site, within 1m of the common side boundary with number 11 Cudham Lane North, a residential property. The car wash building hosts two entrances which open towards the rear of the site, away from the public vantage point. Given the proximity of the car wash building to the neighbouring, it is considered of utmost importance should the application be granted that any conditions required in order for the building to be acceptable in terms of noise are robust and can be complied with. Following additional consideration, the conditions are considered too onerous and would require significant behavioural changes of all users of the car washing facility, that are not considered adequately enforceable due to the rear location of the building and the rear facing doors, away from the main part of the site, and the highway.

The option of increasing the floor space of the wash building to allow for increased room for two vehicles to be able to be washed at the same time with adequate room to manoeuvre with the doors closed has been explored and amended plans submitted,. However, given the proximity of the neighbouring residents to the development, and the level of stringent conditions that would need to be complied with in perpetuity, whilst the increase in floor area may increase the prospect of the conditions being complied with, it does not overcome the concerns as previously raised.

### Impacts upon Heritage Assets

Policy BE8 of the UDP requires that applications for development involving a listed building or its setting, or for a change of use of a listed building, will be permitted provided that the character, appearance and special interest of the listed building are preserved and there is no harm to its setting. In this case, the proposed development has been moved away from the Grade II Listed building, and is now sited within closer proximity to the host building. No objections to the siting of the development were raised by the Conservation Officer and it is considered that the previous grounds of refusal have been addressed in this regard.

Additional concerns are raised in respect of the proposed structure which will be situated within close proximity of a ground floor kitchen window along the northern flank of The Larches within the original part of the building. This is the sole window serving that room and it is considered that the development is now sited away from the residential dwelling and no longer will impact detrimentally in terms of residential amenity in this regard.

No concern is raised with regard to the proposed fencing which is considered a betterment for the owner/occupiers of surrounding properties in terms of noise abatement and aesthetics, especially the adjacent dwelling number 11.

Whilst this application represents an attempt by the applicant to address the problem associated with car washing, the proposal will not address current concerns and it is considered that as the condition proposed by Environmental Health would not be enforceable, realistic or reasonable, the scheme would result in an unacceptable impact on the residential amenity of surrounding residential property due to noise and disturbance.

Background papers referred to during production of this report comprise all correspondence on the file refs set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The application is considered to cause an unacceptable impact upon neighbouring residential amenity by virtue of the noise and disturbance resulting from the car wash building that is not considered to be able to be adequately controlled by condition contrary to policy BE1 of the Unitary Development Plan and 7.15 of the London Plan.**