

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/01442/FULL1

Ward:
Cray Valley East

Address : Olleys Posh Wash 151 Sevenoaks Way
Orpington BR5 3PW

OS Grid Ref: E: 547137 N: 168886

Applicant : Mr Altan Ramadan

Objections : YES

Description of Development:

Replacement two storey car wash building comprising ancillary cafe, accessories shop, workshop, staff room, store and office

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 20
Urban Open Space

Proposal

It is proposed to demolish the existing building and canopy, and erect a replacement two storey detached car wash building which would be set back 15.4m from the front of the site, 4m from the northern flank boundary, and 6.5m from the southern flank boundary. The existing vehicular access from Sevenoaks Way would be retained, and 10 car parking spaces would be provided on the frontage.

The washing area would be provided to the rear of the building, whilst the building would contain the car wash machinery, a workshop for minor vehicle repairs, a motor accessories shop, and a café for waiting customers. The first floor would contain an office, store, VIP area and staff facilities.

The proposed opening hours of the car wash are 8am to 7pm every day which the applicant states is the same as the current business.

The application was supported by the following documents:

- Planning Statement
- Transport Assessment
- Swept Paths
- Acoustic Report

- Historic Assessment

Location and Key Constraints

This site lies on the eastern side of Sevenoaks Way within a designated Business Area. It measures approximately 0.1ha, and has been in use as a car wash business since the early 1990s. It is bounded to the north and south by other car repair/car part businesses, whilst the opposite side of the road contains residential properties. To the rear of the site is a large lake.

The existing car wash building is set back into the site with a large canopy provided at the front for car washing/valet services for which planning permission was granted for a temporary period between 17th October 2011 and 31st October 2016, and has now expired. The building is mainly single storey with a first floor office area at the southern end, and is attached to the adjacent building to the north.

Comments from Local Residents and Groups

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

Objections

- Opening hours are too long - they should be the same as neighbouring businesses
- The proposed building should not project forward of the existing building
- Trees should not be removed from the front of the site
- Loss of light to and visibility of adjacent businesses
- There should be no floodlights at the front of the building
- Building is too large for use as a car wash - could be changed to an alternative use.

Comments from Consultees

Highways: No highways objections are raised to the proposals subject to safeguarding conditions.

Historic England: The proposals are unlikely to have a significant effect on heritage assets of archaeological interest.

Environmental Health Pollution Officer: No objections are raised to the proposals subject to a condition requiring details of any external lighting to be submitted and approved by the Council.

Drainage Engineer: No drainage objections are seen to the proposals.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 6.13 Parking

Unitary Development Plan

- EMP4 Business Areas
- BE1 Design of New Development
- T3 Parking
- T18 Road Safety

Emerging Local Plan

Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 83 - Non-Designated Employment Land

Planning History

The relevant planning history relating to the application site is summarised as follows:

Permission was granted in 1992 (ref.91/02638) for the change of use from builders merchants to hand car wash, and the opening hours were restricted to between 9am and 7pm.

Extensions to the building were permitted in 1993 under ref.92/02100.

Permission was granted on appeal in 2005 (ref.04/03833) for the use of part of the first floor for offices unrelated to the cash wash use, and was again subject to the restriction of opening hours to between 9am and 7pm.

Retrospective permission was granted in 2011 under ref.11/02429 for a canopy at the front for a temporary period of 5 years.

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Highways
- Neighbouring amenity
- Sustainability
- Other (drainage/flooding/noise/pollution)
- CIL

Principle

Policy EMP4 of the UDP seeks to retain business uses within designated Business Areas which generally fall within Use Classes B1 (office/light industrial), B2 (general industrial) or B8 (storage and distribution). It should be pointed out that the Draft Local Plan does not propose to take forward the business designation of the site as a Strategic Industrial Location (SIL) or Locally Significant Industrial Site (LSIS).

The redevelopment of the site with a new car wash building may be considered acceptable in principle given the current location of the premises within a Business Area, the length of time it has been in that use already, and its position between other car-related businesses. Furthermore, the car washing facilities would now be

provided to the rear of the building rather than on the frontage, away from general view and from nearby residential properties on the opposite side of Sevenoaks Way.

The provision of a café within the building is considered to be ancillary to the main use of the site as a car wash, and the agent has confirmed that it would only be used by customers of the premises (this can be restricted by condition).

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that 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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The replacement building would be two storeys in height with a flat roof, and would have an enclosure for water containers on the south-eastern corner of the roof. It would be higher than the adjacent buildings which are single storey, but given the increased separations to the flank boundaries, it is not considered to appear unduly cramped nor visually dominant within the street scene.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards

within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The proposals would provide 10 car parking spaces on the frontage of the site, although more could be accommodated in this area if necessary, and no highways objections are raised to this. The provision of a café within the building should not cause any significant additional traffic to the site so long as it is only for use by customers of the car wash.

The existing access arrangements would not change, and are considered acceptable.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The nearest residential properties are located on the opposite side of Sevenoaks Way, and although the building would now be two storeys in height, it is not considered to unduly affect the outlook from these properties. The car washing and valeting services are to be carried out within the building or at the rear of the building, and are unlikely to cause any undue noise or disturbance to neighbouring properties.

The proposed operating hours of the business would be 8am to 7pm (which it currently operates), and given that the outdoor car wash would now be provided at the rear of the building rather than at the front, the proposals would not result in undue noise and disturbance to neighbouring residential properties on the opposite side of Sevenoaks Way, and the proposed opening hours are considered reasonable.

If external lighting is to be provided to the outdoor car washing area, this would be to the rear of the building, and a condition can be imposed requiring details to be submitted in order to assess the impact on neighbouring residential properties.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The redevelopment of this site with a two storey detached car wash building is not considered to have a detrimental impact on the amenities of nearby residential properties, on parking and traffic on the adjacent highway, nor on the visual amenities of the street scene, subject to safeguarding conditions including the restriction of opening hours, the provision of details of any external lighting proposed, and the restriction of the use of the café to customers of the car wash.

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

as amended by documents received on 05.09.2017 21.11.2017 25.01.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 3 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in**

such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

4 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

5 The use shall not operate before 08.00 hours and after 19.00 hours on any day.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.

6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

7 Details of any external lighting proposed (including the appearance, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the development hereby permitted is first occupied.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity and public safety.

8 The café hereby permitted shall only be used by customers of the car wash.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to prevent an overintensive use of the site.