

REFERENCE NO - 18/505205/FULL		
APPLICATION PROPOSAL Change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).		
ADDRESS Boughton Service Station Heath Road Boughton Monchelsea Maidstone Kent ME17 4JD		
RECOMMENDATION Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development is not considered to have a detrimental impact upon the character and appearance of the application site or the adjacent conservation area, nor will it have a detrimental impact upon neighbouring amenity. It is considered that sufficient information has been provided to indicate the development would not have a detrimental environmental impact in terms of drainage or an impact upon the wider highway network.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • The development would have a detrimental impact upon the character and appearance of the conservation area. • The development would have a detrimental impact upon road safety in the area. 		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Boughton Service Station AGENT Mr C Smith
TARGET DECISION DATE 06/02/19		PUBLICITY EXPIRY DATE 09/11/18

Relevant Planning History

15/501979/FULL
New hand car wash area with associated canopy.
Decision Date: 18.10.2016

18/501945/FULL
Change of use of redundant petrol station forecourt to car wash and valet services.
Refused Decision Date: 20.06.2018

Appeal History:

No relevant appeal history available

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 This application relates to a former petrol station canopy and forecourt. To the East/North East is an area of car sales and to the North a shop building and a workshop and MOT station, also previously used for servicing and repairs. The site lies in the open countryside in the parish of Boughton Monchelsea. To the West of the site is the Cock Street conservation area and Swallows, a grade II listed building. The site is accessed on a main road, Heath Road.

2. PROPOSAL

- 2.01 Planning permission is sought for the change of use of the redundant petrol station forecourt to a car wash with valeting services.
- 2.02 An application seeking the same development was refused on 20/06/2018. The sole reason for refusal was the following; In the opinion of the local planning authority, there is insufficient information to demonstrate that satisfactory and sufficient drainage facilities exist which can cope with the extent of run-off and which would prevent contamination and flooding. The application is therefore contrary to policies DM1 and DM3 of the Maidstone Local Plan 2017.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1 Maidstone borough spatial strategy, SP17 Countryside, SP18 Historic Environment, DM1 Principles of good design, DM3 Natural Environment, Development affecting designated and non-designated heritage assets, DM7 Non-conforming uses, DM23 Parking standards, DM30 Design principles in the countryside,
Supplementary Planning Documents: Cock Street Conservation Area Appraisal/Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents raising the following (summarised) issues
- Factual misrepresentation of the proposal, in this instance the accuracy of the plans themselves, this will be discussed below.
 - The plans do not provide any details with regards to proposed signage.
 - Plans do not accurately reflect parking on site and the development would have a detrimental impact upon highway safety in the area. This would occur as a result of increased vehicle movements on site and water run off reaching the highway.
 - The development would have an unacceptable impact on neighbouring amenity in terms of noise and odour.
 - The development would have an unacceptable impact upon the surrounding conservation area.

The first issue regarding the accuracy of the drawings is not considered to be a material planning issue in this instance, the other issues raised by neighbours will be discussed below

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Boughton Monchelsea Parish Council

- 5.01 *The Parish Council wish to see the application refused and request that it is taken to MBC planning committee for decision. The grounds for objection are as follows :*

We have concerns regarding road safety due to the lack of queueing space for drivers waiting to have their vehicles cleaned. The documents state that 10 spaces will be provided however only 6 spaces (for wait / wash / valet) are marked as such on the drawings. Other unmarked spaces appear to be located outside the change of use site marked in red. As a Parish Council we are very aware of the increased quantity and speed of traffic on Heath Road and the accidents that have occurred, most recently the serious RTC at the zebra crossing next to the primary school, where a child sustained a fractured skull after being hit by a car. Boughton Service Station is located in close proximity to the hazardous Heath Road / Brishing Lane / Green Lane junction.

In light of the above, the Parish Council is also concerned about the additional risk of water being transferred onto this busy B road, adding an additional problem for passing traffic, particularly during the winter months.

We feel that the proposal would intensify the use of the site to an unacceptable degree proposed access and egress to the site appears to be inconsistent with the existing business operations (garage / car sales / shop). Cars waiting to be washed and in the process of being cleaned would be blocking access to the site for vehicles trying to access other businesses on the site. Without a pedestrian space at this site this would add hazards for other road users.

The blue other ownership line on the drawings is not clear and it is therefore not possible to establish the extent of this from the information that has been provided

Point 4.3.6 of the Borough Councils emerging Cock Street conservation area management plan states :

The very large illuminated signs associated with the petrol station immediately outside the CA boundary (Fig. 3) are very prominent in views into and out of the conservation area from the east, and detrimental to the character and appearance. As and when the opportunity arises, every effort should be made to reduce the visual impact of signage on this site, and/or secure a use that is more sympathetic to the setting of the conservation area. The Borough Council should therefore seek the views of the conservation officer prior to deciding on this application

The emerging conservation area management plan also states : 4.2.1 The petrol station and its signage still dominate views into and out of the area to the east

4.3.2 Negative impact of the petrol station on the setting of the conservation area

4.3.2 The following have been identified as key opportunities for enhancement of the area..reduction in density of road signage

The above points should be taken into account prior to deciding the application

MIDKENT Environmental Health

- 5.02 Our main concern with this application is that it could lead to noise disturbance of nearby residential properties. We would therefore recommend the attachment of a noise condition to any consent given to the application.

Environment Agency

- 5.03 The submitted information indicates that there will be no break of the ground and foul and surface water will be discharged to mains sewer. We have no objection to this strategy.

However, if the above conditions change, we need to be re-consulted. We are generally not in a position to visit the site and verify any works undertaken, therefore the above comments are based solely on the submitted documents and

reported actions and no responsibility can be taken for the accuracy of any information submitted.

Southern Water

- 5.04 Southern Water proposes the following condition: "The developer should ensure that the trade effluent licence has been obtained before the connection to the public sewerage network can be approved."

KCC Highways

- 5.05 *"The proposals are for the change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).*

I note that it is proposed to access the development via the existing in/out access arrangement onto the B2163, Heath Road. Having checked the personal injury collision record at both these access points for the last 5-year period up to December 2017 via crashmap, www.crashmap.co.uk, I can confirm that no collisions have been recorded. Therefore, the access has a good personal injury collision record. Kent Highway Services document titled 'Guidance on Transport Assessments and Travel Plans' provides guidance on when a Transport Statement (TS) or Transport Assessment (TA) is required. In this instance the proposals do not exceed the threshold for either a TS or TA to be required. It should be noted that this application involves the change of use from a redundant petrol station forecourt, which would generate a number of vehicular movements, to use for car wash and valet services. As a result, any traffic generation from the proposals needs to be considered against the level of traffic that could be generated by the sites lawful (extant) use. In this instance, it is not considered that the proposals are likely to generate a significantly greater number and therefore intensification of vehicular movements either from the site or through either of the existing access points, when compared to its extant use.

The applicant has submitted a block plan (drawing number: 73/2A) to demonstrate the waiting arrangements for users of the car wash. It is noted that two spaces will be provided for vehicles to wait off the public highway, this is considered to be adequate for the likely operational requirements of the development. Finally, retention of the existing in/out access arrangement will continue to ensure that vehicles can egress onto the public highway in a forward manner.

It is not considered that the anticipated impact of the proposals could be reasonably described as 'severe' in accordance with paragraph 109 of the National Planning Policy Framework (NPPF). I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority, subject to the following condition:

-Provision of measures to prevent the discharge of surface water onto the highway."

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Visual Impact

- Residential Amenity
- Environmental Issues
- Highways Impact

Principle

- 6.02 This is an existing commercial site and therefore, in principle, its reuse for another commercial purpose is considered appropriate.

Visual Impact

- 6.03 An application for the same development was refused under 18/501945/FULL. The officer report did not consider that the development would have an unacceptable visual impact in the area and the application was not refused on this basis. The hardstanding already exists and no additional buildings are proposed. The development would be seen within the context of commercial car related uses and as such would be in keeping with the existing character of the application site.
- 6.04 Given that the site is not within a conservation area, but does sit adjacent to one, the conservation architect has been informally consulted. The conservation architect the petrol station canopy. However the application site is shielded from the conservation area by the mature Leylandii trees bordering the neighbouring application site and the canopy is only significantly visible when entering the conservation area. Views from within the conservation area are limited. As such, it is considered to be unreasonable to request that the applicant entirely removes the petrol station canopy
- 6.05 The Cock Street management plan makes reference to the application site as a negative feature. It considers that the conservation area and the area surrounding the application site is rural in nature and a neighbouring car wash use and the application site is more associated with an urban area. The deterioration of the rural nature of the area is an issue that is specifically mentioned within the conservation area appraisal. Taking all the above into account, an alteration to the proposal has been agreed with the applicant, in order to achieve a betterment of the appearance of the site.
- 6.06 Should permission be forthcoming a condition will be imposed requiring the applicant to paint the sides of the canopy a 'dark green' colour within 3 months of the decision, so that it blends more appropriately into the surrounding vegetation. In light of the context of the application site (it is not actually within the conservation area) this would be sufficient to mitigate its impact upon the wider area.
- 6.07 Signage in particular cannot be considered as a reason for refusal, because the application is not seeking advertisement consent. Any new signage would need to be dealt with through submission of an application for advertisement consent separately.

On balance, taking into account the betterment of the site, the development would not have such a detrimental impact upon the application site or the wider area, including the conservation area, to warrant a refusal.

Residential Amenity

- 6.08 The car wash area is located immediately adjacent Heath Road on the northern side of the site, the garage/office is 2.00m to the north of the car wash area and the

Workshop is located to the north of the garage/office 18.00m to the north of the car wash area. The closest neighbouring property to the car wash area is 'The Barn' located 26.00m to the south west of the car wash area, it is separated from the application site by substantial hedging as well as Heath Road itself. Another property 'The Oast' is located immediately to the north west of 'The Barn' and located 28.00m from the car wash area.

- 6.09 'Swallows' is located 27.00m to the north west of the car wash area and separated from the area by the garage/office building and a row of mature Leylandii trees along the boundary of the neighbouring property and application site.
- 6.10 The previous application was not refused upon grounds of unacceptable impact upon neighbouring amenity.

As considered previously, in terms of residential amenity, the proposed use would be somewhat separated from surrounding dwellings by a reasonable distance.

Whilst it is accepted that there may be some noise and disturbance arising from the use, the existing context and also the fallback position must be considered. Firstly, the existing context is that the site is within an already commercial area including use for servicing, repairs and MOTs, which are generally uses which generate high amounts of noise. Also, the road outside the site is a class B road, carrying a significant volume of traffic and with a speed limit of 40 mph. Therefore, existing background noise is already likely to be significant in the vicinity.

Also, the fall back position appears to be that the lawful use of the area is as a petrol station which is a use which also generates significant noise from the pumps and traffic generation. Considering these points, on balance, it is not considered reasonable to attach a noise condition in this instance. However, the application indicates that the proposed hours of use would be 9 AM to 8 PM on Mondays to Saturdays and 9 AM to 5 PM on Sundays and bank holidays. Outside of these hours it is considered that background noise is likely to be significantly reduced, as the servicing/repair/MOT use is unlikely to be in operation and traffic levels, being outside of working and school hours, are likely to be significantly reduced."

Therefore, it is considered that this issue of noise could be dealt with by a condition restricting the use to the proposed hours, in order to maintain a satisfactory living environment for neighbouring occupiers. With regards to spray and also the issue of any odours from valeting products, given the separation from neighbouring properties, on balance, this issue is not considered to result in significant harm to the quality of residential amenity for neighbouring occupiers.

- 6.11 The proposals have not changed since the previous application and it is considered that the assessment previously carried out, and the conclusion reached remain sound.

Environmental Issues

- 6.12 The previous application was refused due to a lack of information from the applicant to demonstrate that surface water would not discharge onto the highway. The current proposal shows that drainage on site would be via a mains sewer and that there is an existing 3 chamber interception system on site and the block plan also shows the proposed direction of drainage.
- 6.13 No objections (subject to conditions) have been received from environmental consultees or KCC Highways.
- 6.14 As such, it is considered that any environmental impact generated by the development can be effectively mitigated by the use of planning conditions and that a refusal based on environmental impact would be unwarranted.

Highways

- 6.15 No objections were received from Highways Consultees for this or the previous application. The road has a 'good' personal injury record and parking availability on site is acceptable for this use. In relation to the number of spaces available on the site, given the use of the wider site as a garage forecourt, it is unlikely that the proposed development would cause an unacceptable level of traffic generation or obstructively parked vehicles.
- 6.16 The query over whether motorists obey traffic laws is not a material planning consideration and does not constitute grounds for refusing the application.
- 6.17 In light of the comments received from KCC Highways, subject to conditions, as requested by this consultee. It is not considered that the development would have a detrimental impact upon parking in the area or the wider highway network.

7. CONCLUSION

- 7.01 Subject to conditions, the proposed development is not considered to have a detrimental impact upon the character and appearance of the application site or character of the wider area. The development will not have an unacceptably detrimental impact upon the amenity of neighbouring properties, nor will it have an unacceptable impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Application for Planning Permission
73/1 Site Location Plan
73/2/Levels Levels Block Plan
73/2A Block Plan
Cover Letter
Heritage Statement

Reason: To ensure the appearance and the character of the buildings are maintained and in the interests of residential amenity.

- 3) The carwash hereby approved shall not be open for customers outside the hours of 09:00-20:00 Monday - Saturday and 09:00 - 17:00 on Sundays and Bank Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- 4) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.

Reason: In the interests of road safety.

- 5) Within 3 months of the date of this decision, the sides of the petrol station canopy shall be painted Olive Green (RAL 6003). Thereafter the petrol station canopy sides shall be retained in that colour and not subsequently changed in colour.

Reason: To ensure a satisfactory visual relationship with the landscape and the wider area.

Case Officer: William Fletcher