

REPORT SUMMARY

REFERENCE NO: - 22/502627/FULL		
APPLICATION PROPOSAL: Retention of existing hand car wash facility and office/customer waiting room, and proposed alterations including installation of acoustic enclosure and provision of a new customer parking area (part retrospective).		
ADDRESS: Boughton Service Station, Heath Road, Boughton Monchelsea, Kent, ME17 4JD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The site comprises a fuel service station, motor vehicle MOT and service station and a shop unit, with an area previously set aside for a hand car washing and valeting business, which has since ceased. A change of use was granted for a car washing and valeting under the canopy of the vacated fuel service station. This permission was never implemented. The site is adjacent the Cock Street Conservation area but the proposal is considered to cause less than substantial harm (at the low end of the scale) to the setting of the designated heritage assets. The proposed acoustic measures would reduce the noise levels of the jet wash and vacuums. This equipment is mostly located to the northeast part of the site adjacent to the neighbouring industrial units. The traffic and short-term parking generated by the use will not have a severe impact on the highway network. The introduction of a car wash business would be acceptable and would not cause significant visual harm nor harm to amenity. It complies with the relevant policies of the Maidstone Borough Local Plan (2017) the Boughton Monchelsea Neighbourhood Plan and provisions set out in the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Boughton Monchelsea Parish Council for the reasons set out at paragraph 4.02 below.		
WARD: Boughton Monchelsea and Chart Sutton	PARISH: Boughton Monchelsea	APPLICANT/AGENT: Mr S Robinson
CASE OFFICER: Sue King	VALIDATION DATE: 01/06/2022	DECISION DUE DATE: 27/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

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

18/505205/FULL - Change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL). Permitted.

22/500478/FULL - Retention of existing hand car wash facility and office/customer waiting room, and proposed alterations including the creation of a second wash bay and installation of acoustic screening. (Part retrospective) – Refused 11.04.2022 on the following grounds:

(1) The application fails to demonstrate that the intensification of the use and the proposed works would not have a harmful impact upon the amenity of neighbouring occupiers in terms of noise, nuisance, activity and visual impact contrary to policies DM1, and DM37 of the Maidstone Borough Local Plan, or policy LRE 2 of the Boughton Monchelsea Local Plan (2021)

(2) The application fails to demonstrate that the proposal and the wastewater that it produces would not have harmful impacts upon ground and surface waters as per policy DM3 of the Maidstone Borough Local Plan (2017) or paragraphs 183 to 185 of the NPPF (2021).

1.0 DESCRIPTION OF SITE

- 1.01 This site comprises of approx. 603m² and is within a larger area of land ownership comprising of a shop building, a workshop and a MOT station also used for servicing and repairs and car sales, petrol station with canopy and forecourt which has recently commenced petrol sales.
- 1.02 The site is accessed on a main road, Heath Road approximately 100m from the crossroad junction with Brishing Lane/Park Lane.
- 1.03 To the east of the site is 'The Swallows' a Grade II listed building, within the adjoining the Cock Street Conservation Area.
- 1.04 The historic grouping then alters as you travel east along Heath Road, with development formed of single storey buildings with a more industrial appearance, with the existing large petrol garage forecourt with pumps and canopy forming part of the application site.
- 1.05 There is an office/waiting room (temporary structure) and water storage tanks for use by the hand car wash, which currently sit behind the boundary hedge. To the north of the car wash area is a car sales showroom, with a portacabin office and an MOT/service building.

2.0 PROPOSAL

- 2.01 The proposal seeks (part retrospective) planning permission for the change of use of part of the site to a hand car wash facility. Since the application was submitted the operation of the car wash facility has temporarily ceased dependant on the outcome of this application.
- 2.02 Retention of an office/customer waiting room.
- 2.03 The installation of an acoustic enclosure and provision of a new customer parking area.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017) (MBLP) policies SS1, SP18, DM1, DM4, DM23, DM30, DM37.

Boughton Monchelsea Neighbourhood Plan (BMNP): LRE 2

Cock Street Conservation Area Appraisal/Management Plan

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

4.01 Neighbour consultations were sent to 22 addresses, five responses have been received, one petition with 311 signatures in support, two further in support and two objecting to the application for the following reasons:

- Noise and disturbance
- Highway safety and traffic increase
- Visual Impact
- Conservation area Impact
- Drainage/environmental matters

5.0 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 This application is called in for a committee decision for the following reasons:

- The development is visually intrusive with an intensified business use of the site in the context of the adjacent conservation area and listed buildings.
- The extent of visual impact of signage.
- The negative impact on the conservation area.
- Highway safety
- Light pollution

Mid Kent Environmental Protection Team

5.02 No objection raised subject to conditions relating to the installation of noise mitigating measures prior to operation

MBC Conservation Team

5.03 Retrospective works - Retention of existing hand car wash facility and office/customer waiting room. The existing structure which forms the office/ waiting area is a temporary structure that is set behind the established boundary hedge. A low-level sign forms the edge of the concrete slab that allows wastewater to be collected. These are considered to be low key, and reversible and cause no harm to the setting of the listed buildings or conservation area.

5.04 Consideration has been undertaken whether a more permanent structure for the office/ waiting area should be constructed in a style to respond to the existing brick structures or the farm buildings. However, on balance, the existing office/ waiting area is a temporary structure and is in a position that is visually screened. The structure can be easily removed and does not create an additional permanent structure on the site.

5.05 Proposed works - Installation of acoustic enclosure and provision of a new customer parking area. The proposed Acoustic shelter is a simple structure with glass sides and PVC strips allowing the cars to enter/ exit. The roof is formed of a curved

mono-pitch system, at approximately 4.38m high. The proposed position places the shelter adjacent to the filling pipes and underground tanks for the petrol station, above the existing concrete slab.

- 5.06 The proposed position of the structure will be partly screened when leaving the conservation area by the existing petrol station signage, pumps, etc. However, when approaching the conservation area, the new shelter will be seen. The proposed structure is considered to be lightweight, both in terms of construction and material choice, and it retains a commercial appearance that forms the wider site, but it does introduce more built form on a former open site.

Environment Agency

- 5.07 No objections subject to conditions relating to the treatment of future contamination if found during development or implementation of further drainage.

KCC Highway Authority

- 5.08 Raise no objection as it will not create a severe or significant impact on the highway subject to conditions relating to provision and retention of parking facilities within the site and provision to prevent discharge of surface water onto the highway.

KCC Minerals

- 5.09 No comments.

6.0 APPRAISAL

- 6.01 The key issues are:

- Impact on the nearby Cock Street Conservation Area
- Noise Impact on neighbouring amenity
- Highway safety and traffic increase
- Environmental impacts regarding drainage of effluents.

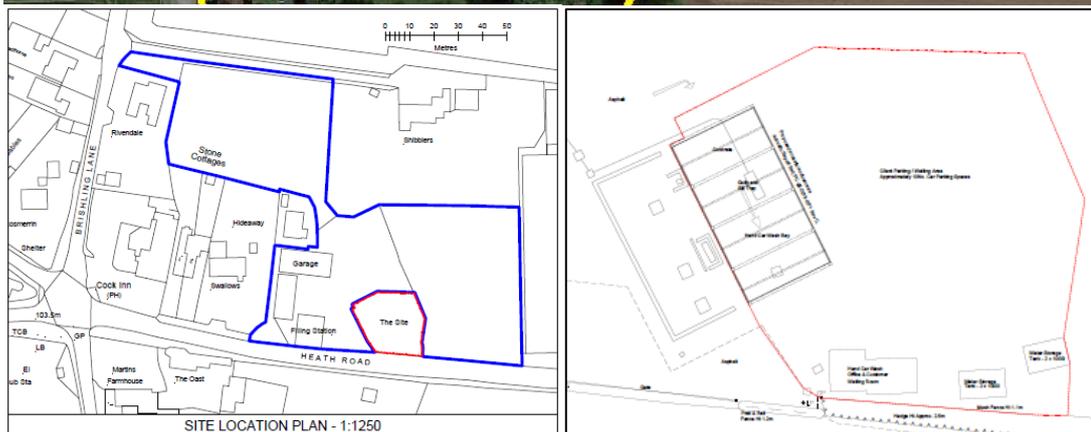
Impact on Cock Street Conservation Area

- 6.02 Policy SP18 of the Local Plan concerns the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings.
- 6.03 Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.04 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area
- 6.05 The previous car wash approval sought to utilise the existing fuel station forecourt as the car wash area, this area has now been brought back into use as a petrol station, and the car wash use has moved 16m to the east further from the conservation area and nearest residential property. The area was previously used to store vehicles, as such the visual impact would not increase.

6.06 The extent of the conservation area and the layout of the application site can be seen below.



6.07



6.08 The Cock Street management plan makes reference to the application site as a negative feature. It considers that 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.

6.09 The office building itself is a single storey timber clad building and will sit behind the retained boundary hedging.

6.10 The previous application assessed that the petrol station forecourt, nearer to the conservation area, where the car wash was originally proposed, is shielded from the conservation area by the mature Leylandii trees bordering the neighbouring application site, the canopy is only significantly visible when entering the conservation area. Views of the canopy are limited from within the conservation area itself.



View leaving the conservation area heading east.



View approaching the conservation area heading west.

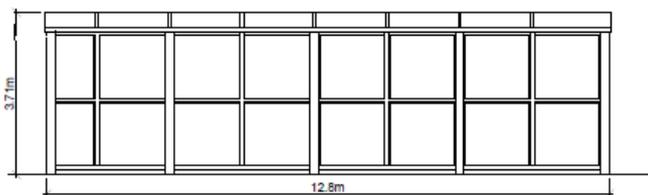
- 6.11 The proposed car wash use is now located further away from the conservation area and any listed buildings, and a similar assessment can be made as was made when the car wash was previously proposed to be located under the petrol station canopy, indeed the view of the car wash and the office building is viewed when leaving the conservation area. It is the petrol station that is visible when entering the conservation area, not the car wash bays. A consideration is (as previous) that the petrol station did not require permission to be brought back into use. The petrol station canopy is not part of this application.
- 6.12 Given that the development is outside of the conservation area, it is considered with the boundary screening from the Swallows, some 18m of boundary hedgerow at the eastern end at the front of the site, the relatively small structures and the lightweight acoustic enclosure, the proposal would not significantly harm the nearby Heritage assets or the setting of the conservation area.
- 6.13 The glass and 'Eurobond' structure would be lightweight in construction and visual appearance, measuring 6.6m x 12.8m x 3.7m high. Set back some 7m back into the site.
- 6.14 The office and customer waiting room at 2.7m in height sits adjacent to the front boundary behind front boundary hedging which is approx. 2.5m in height, and therefore acceptable in visual impact.
- 6.15 Signage cannot be considered as a reason for refusal because the application is not seeking this. Any new signage would need advertisement consent

Noise Impact on Neighbouring Amenity

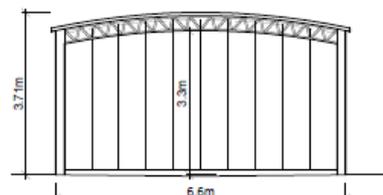
- 6.16 The closest neighbouring property to the car wash area is 'The Barn' located 50m to the south of the car wash area, it is separated from the application site by substantial hedging as well as Heath Road itself. Another property 'The Oast' is located immediately to the northwest of 'The Barn' and located approximately 50m from the car wash area. 'Swallows' is located 45m to the northwest of the car wash area and separated from the area by the garage/office building, the station forecourt and a row of mature Leylandii trees along the boundary of the neighbouring property and the petrol station.
- 6.17 It is agreed that an element of noise will be introduced as pressure washers create noise due to the mechanical equipment and water striking the vehicles being cleaned. The previously refused application did not demonstrate how the

intensification of the proposed new use could mitigate neighbouring occupiers in terms of noise, nuisance and activity.

- 6.18 The enclosure will be constructed of 4mm Pilkinton glass panels which offers a sound reduction of Rw 29dB, a 75mm Eurobond roof panel system which offers a sound reduction of Rw 30dB and 3mm thick overlapping PVC strip curtains to achieve an approximate sound reduction of Rw 15dB.



East and West elevations



North and South elevations

- 6.19 As considered previously, in terms of residential amenity, the proposed use would be somewhat separated from surrounding dwellings by a reasonable distance. The amenity assessment from the previously approved application (18/505205/FULL) is included below in its entirety to provide some background as to why the car wash at the front of the site was permitted.

"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."

- 6.20 Whilst it has been pointed out that the speed limit is 30mph at this point, it is very close to the change in speed limit, thereby does create the same, if not similar ambient noise and would in some way mitigate the concerns regarding the ingress and egress of the site.
- 6.21 The proposed hours of use are 8 AM to 6 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.
- 6.22 The applicant has this time submitted an acoustic assessment which concludes that without mitigation the noise impact of the car wash operation is +11dB over background at the relevant receptors.
- 6.23 The report then recommends that mitigation is installed in the form of an acoustic enclosure and provides a specification for its installation. With the enclosure modelled sound levels at relevant receptors are in excess of 10dB below background and should not be perceptible. As such, no objection is raised from Environmental services.
- 6.24 Therefore, it is considered that this issue of noise could be dealt with by a condition restricting the use to the proposed hours. With regard to spraying and any odours from valeting products, given the separation from neighbouring properties, this issue is not considered to result in significant harm to the quality of residential amenity.
- 6.25 Paragraph 185 of the National Policy Framework states that new development should be appropriate for its location, taking into account the likely effects on health

and living conditions and advises that schemes should avoid noise giving rise to significant adverse impacts on health and the quality of life. This policy reflects the objectives of Policy DM1 of the Maidstone Borough Local Plan (2017) and Policy LRE1 of the BMNDP (2021).

Highway Safety and Traffic Increase

- 6.26 The car wash operation is likely to result in an increase in vehicles entering and leaving the site, however, in light of the comments received from KCC Highways it is not considered that the development would have a detrimental impact upon highway safety, increased traffic or parking in the area or the wider highway network. No objections were received from KCC Highways.
- 6.27 It is recommended that conditions are imposed to improve the 5m bound surface fronting the site, retention and maintenance of existing parking provision and provision of measures to prevent the discharge of surface water onto the highway.

Drainage/Environmental Matters

- 6.28 The 'Phase 1 Environmental Assessment Report' (Subadra, ref IN22743 CL 001, May 2022) refers to all surface water drainage from the current and proposed vehicle washing facilities draining to the local mains sewer network via various pollution control measures (interceptors, etc)
- 6.29 Southern Water have under the Water Industry Act 1991 issued a Consent to the discharge of trade effluent.
- 6.30 No objection has been raised, subject to recommended conditions and informatives on any permission granted.

Boughton Monchelsea Neighbourhood Development Plan 2021(BMNDP)

- 6.31 Policy LRE1 – Rural economy seeks to encourage development of existing and new industries that would not have a significant adverse impact on existing, biodiversity and existing green infrastructure, and would not cause harm to the tranquil countryside setting.
- 6.32 This impact is already covered above.
- 6.33 The proposal would accord with the four-point criteria set out in paragraph 1 of Policy DM37:
- i. The new buildings are small scale, and the main enclosure constructed of lightweight materials;
 - ii. the increase floorspace would not lead result in unacceptable traffic levels on nearby roads or use of an existing substandard access;
 - iii. the new development would not result in unacceptable loss of amenity in the area or impact on nearby properties, and
 - iv. there would be no open storage of materials.

Representations

- 6.34 A petition in support with 311 names and addresses was submitted in support of the development. This has been signed by a wide range of users locally, from within the borough of Maidstone and further afield as far as Sevenoaks. Although, little weight can be afforded to this petition on the face of it, it would appear that the carwash brought support and benefit to the area and local businesses.

6.35 Two representations of support were received with support for the cash wash and its benefits.

6.36 It is considered that the material planning matters concerning noise, traffic, drainage, visual amenity and impact on the conservation area raised in the objections received, have been dealt with, and fully justified within this report.

7. CONCLUSION

7.01 Although the site sits adjacent the Cock Street Conservation area, the proposed scheme is outside of the conservation area and is considered to cause less than substantial harm (at the low end of the scale) to the setting of the designated heritage assets.

7.02 The proposed acoustic measures, including the washing enclosure would serve to reduce noise levels of the jet wash and vacuums.

7.03 The drainage and environmental issues have been addressed and are now considered acceptable.

7.04 For the reasons set out above it is considered that the proposed introduction of a car wash and associated buildings and structures would not cause significant visual harm, harm to neighbouring amenity, the Cock Street Conservation Area, nor would it be unacceptable in terms of any other material planning considerations.

7.05 The proposal complies with the relevant policies of the development plan (Maidstone Borough Local Plan, 2017), The Boughton Monchelsea Neighbourhood Plan and provisions set out in the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.

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 approved shall be carried out in accordance with the following approved plans and documents:
 - 2630-2 Rev A Existing Site Plan
 - 2630-03 Rev A Proposed Site Plan
 - 2630-01 Rev B Site Location Plan and Pre-Existing Site
 - 2630/4 Rev D Proposed kiosk And Enclosure Inc Drainage
 - SUBADRA – Phase one environmental assessment report (May 2022)Impact Assessment prepared by Pace Consult ref. PC-22-0019-RP1 Rev C
Reason: in the interests of proper planning.
- 3) The Car wash shall not be open to the public other than between the hours of 08:00 to 18:00 Monday to Saturdays; and 09:00 to 17:00 on Sundays and public Hlic holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and the locality generally

- 4) Prior to the first operation of the car wash. The mitigation specified in Pace Consulting acoustic report reference PC-22-0019-RP1 Rev C shall be installed in full. This shall then be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interests of residential amenity.

- 5) Prior to the operation of the development, a management plan covering the entirety of the operation shall be submitted for approval to the local planning authority. The plan shall include but not be limited to examples such as hours of operation and delivery, control of noise from plant and machinery, noise from internal and external activities. The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. Once approved the plan shall be implemented to the satisfaction of the local planning authority.

Reason: In the interests of residential amenity.

- 6) Prior to first occupation bound surface for the first 5 metres of the access from the edge of the highway should be installed.

Reason: In the interests of Highway safety.

- 7) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of amenity.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF).

INFORMATIVES

1. Advertisements: The applicant is advised that any new signage may require the benefit of separate advertisement consent, see advice on the following website: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>
2. Construction: The applicant is advised of the Mid Kent Environmental Code of Development Practice produced by the Mid Kent Environmental Protection Team (shared service between Maidstone Tunbridge Wells and Swale). This guidance is available on the Tunbridge Wells website at the following link: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>