

Land adjacent to 5, Bourne Hill, Enfield Statement of Case

Change of use from a storage yard to a hand car wash facility

Planning Reference: 14/027453/FUL

1. Introduction

The proposal is to develop a vacant site so that it can be used as a hand car wash facility. The most recent use of the site was to store building materials. There are three sheds on the site which have been used for storage purposes.

The site is situated on a busy urban road close to an operating hand car wash facility which was granted planning permission in 2011.

The current proposal was refused planning permission on two grounds. The first asserts that noise will adversely affect the residential amenities of adjoining and nearby neighbours and the second that the lack of on-site turning space and car parking would lead to unsafe manoeuvres on Bourne Hill.

The Appellant maintains that cumulative noise levels will not be sufficient to adversely affect the amenity of nearby residents and that vehicle access and egress arrangements will be appropriate and safe.

2. Key Documents

- Planning Application ref:14/02743/FUL and its supporting documents;
- Planning Decision Notice, Enfield Council, 2nd September 2014. Reference: 14/02743/FUL;
- Enfield Council's Officers Report (14/02743/FUL), Undated;
- The Enfield Plan Core Strategy, 2010;
- Improving Enfield, Development Management Document, Part of Enfield's Local Plan, 2013 (Submission Version)(DMD;
- The London Plan (incorporating REMA);
- The National Planning Policy Framework, 2012 (NPPF);
- Hand Car Wash, 5 Bourne Hill, Noise Assessment, Hepworth Acoustics, 2014;
- 5 Bourne Hill Proposed Hand Car Wash, Transport Report (BdR, Civil and Structural Engineering) Ltd, June 2014.

3. The Case for the Appellant

There are two grounds of refusal. The first asserts that noise will adversely affect the residential amenities of adjoining and nearby neighbours and the second that the lack of on-site turning space and car parking would lead to unsafe manoeuvres on Bourne Hill. The Appellants case is that the evidence does not support the Council's position and that the grounds of refusal are not justified.

It is also considered that the Council should have taken account of the positive benefits of the proposal including employment creation which weigh in favour of the grant of planning permission.

Noise

The Council relies on the following planning policies to support the reason for refusal:

- The Enfield Plan Core Strategy, 2010 (CS) policies CP30 and CP32;
- Improving Enfield Development Management Document, Part of Enfield's Local Plan, 2013 (Submission Version)(DMD), policy DMD 68;
- The London Plan (incorporating REMA), para.7.15(TLP),
- The objectives of National Planning Policy Framework(NPPF).

The Council has provided no evidence to support its assertion that the proposed activity will be "prejudicial to the local amenity and neighbouring residential property". The Council did not request acoustic evidence information at any stage of the application process nor did it indicate that it had any concerns about noise before it refused planning permission. Policy CP32 of the Core Strategy commits the Council will work with its partners to minimise noise pollution. The Council had not indicated that noise was a concern and therefore any opportunity to work with the Council to address their concerns was lost.

The Council gives weight to policy DMD68 of the emerging Development Plan Document in its determination of the application. The policy requires that where noise is a concern that applications must be accompanied by a noise assessment. In this instance the Council did not raise this when validating the planning application or at any other stage in the planning application process. The Appellant had taken the view that because he uses quieter equipment than the nearby car wash the noise levels arising from the proposal would not be sufficient to cause unacceptable levels of noise.

Paragraph 187 of the NPPF states that, “Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.” In this instance however the Council has failed to communicate with the applicant to seek to improve or mitigate the environmental impact of the proposal.

The Council’s officer’s report considers, *“that it would be too onerous to impose conditions to attempt to mitigate any impact. This type of activity is completely inappropriate within an established residential area and is more suited to a predominantly commercial or industrial area, where the general noise and disturbance created from the proposed activity is not as significant an issue.”*

As has been said there is no evidence to support this position and it appears to be inconsistent with the recent grant of planning permission for a similar facility on the opposite side of the road.

In order to inform the appeal process the Appellant commissioned Hepworth Acoustics to assess the noise impacts of the proposal on the neighbouring residential environment in the context of the relevant planning policies. Their report forms part of this submission and is appended, Appendix 1.

The survey has been undertaken to take account of the Council’s planning policies.

The conclusion is that the predicted noise levels will not be excessive in its location:

1. *“It is predicted that noise associated with the hand car wash operations will not result in any unacceptable noise impact to residents in Bourne Hill.”*
2. *“It is noted the noise climate on the nearest residential properties to the site currently includes noise from an existing hand car wash premises and therefore the character of the noise from the proposed car wash does not differ from that that already is established in the area.”*

For these reasons it is concluded that there is no justification for refusing planning permission on the ground that noise will affect the residential amenities of nearby occupiers.

The relevance of Core Strategy policy CP30 to the proposal is not clear and an explanation is not provided in the officer’s report. It does not appear to support the reasons for refusal.

Traffic Safety

The Council is of the view that proposal is contrary to the following policies:

- Improving Enfield Development Management Document, Part of Enfield's Local Plan, 2013 (Submission Version)(DMD), policy DMD 45;
- The London Plan (incorporating REMA), Policy 6.13,
- Enfield Unitary Development Plan, policies (ii)GD6 and (ii)GD8

It is contended that the lack of on-site turning space and car parking would result in unsafe vehicle manoeuvres on Bourne Hill and be prejudicial to the free flow and safety of traffic.

The Council Officers Report indicates a number of concerns:

1. Insufficient on-site parking during busy periods would result in on street illegal parking similar to existing problems of the other car wash facility on the opposite side of Bourne Hill;
2. Vehicle tracking on site is "very tight";
3. Increase in vehicles leaving the site has safety implications particularly if vehicles are queuing in the highway;

Insufficient on-site parking There is no supporting evidence to demonstrate that the proposed on-site parking is inadequate. The Appellant accepts that there are times that the car wash opposite the appeal site at No 6 Bourne Hill is unable to meet demand for the facility and this has caused queuing on Bourne Hill. This is illustrated in the Transport Assessment (para. 3). It is considered that the current proposal will help to mitigate this problem by increasing the supply of car wash facilities. It will not double demand for car washes but rather increase the capacity for meeting demand from the same catchment area and relieve the pressure for on street parking.

The facility had recently been operational for two days and during that time photographs contained in Appendix 2 show three occasions where both car washes were operating without queues on the public highway, where a single car wash operating alone would have done so. Multiplied through the year this implies a significant positive benefit to road users.

Vehicle tracking The Council is concerned that the vehicle tracking is shown to be very tight. The position is that the vehicle tracking (Transport Assessment figure .1) demonstrates that the proposal meets tracking requirements. The vehicle tracking gives the worst case scenario for two reasons: 1) it is based on a design vehicle calculated to be larger than 85% of cars and 2) the tracking assumes that the wheels will only be turned while the car is in motion. In reality much better turning is achieved in manoeuvring due to dry steering. For these reasons the Council's concern is not considered to be reasonable.

Increase in vehicles leaving the site There is no evidence to demonstrate that the number of vehicles leaving the site will cause any safety difficulties. The Transport Assessment predicts a throughput of 12 vehicles per hour and this is accepted as reasonable by the Highways Officer. The Transport Assessment demonstrated that the proposed accesses comply with highway standards. It is contended therefore that the egress of vehicles from the site would be prejudicial to highway safety. With car washes on either side of the road the demand for right turn manoeuvres across oncoming traffic will be reduced thereby improving traffic safety for the both car washes.

The concerns raised by the Council regarding traffic safety are unfounded and it is considered that the proposal will improve the current position on Bourne Hill in the proximity of the site because it will dilute the demand for car wash services across two sites and two egresses relieving the current congestion at the existing facility.

Economic Benefits

The Core Strategy sets out Enfield Council's challenge to address employment growth needs (para.2.57 onwards). It recognises that around 48,000 residents have no qualifications or are skilled to a very low level with over half having no qualifications at all. The forecast of new jobs overwhelmingly require higher level skills and it is estimated that only about a fifth will be filled by people who have low skills or who lack qualifications. This leaves a major requirement to provide employment for people with low skill levels. The proposed hand car wash will support three full- time and two part-time new jobs. This is a positive benefit to the area and helps to meet Core Strategy objectives 6 and 7 and Core Policy 16.

Consultation

It is understood from the Council Officers Report that 34 adjoining notification letters were sent to nearby residents. 7 letters of objection were received and 3 letters of support. No objections were received from the immediate neighbours in 3 and 5 Bourne Hill.

4. Conclusion

The site is in the urban area on a main road. The proposal is to develop a hand car wash facility. The Council refused planning permission because they consider that expected noise will adversely affect the residential amenities of adjoining and nearby neighbours and that the lack of on-site turning space and car parking will cause unsafe manoeuvres to Bourne Hill.

The acoustic survey undertaken by specialist consultants predicts that noise associated with the hand car wash operations will not result in any unacceptable noise impact to residents and notes that the noise climate on the nearest residential properties to the site currently includes noise from an existing hand car wash premises and therefore the character of the noise from the proposed car wash does not differ from that that already is established in the area.

The proposal to add car wash facilities at 5 Bourne Hill to serve the same catchment area as the existing facility at 6 Bourne Hill will reduce queuing at the existing car wash, and reduce the number of right turn manoeuvres. The proposal is therefore beneficial to highway safety.

The Transport Assessment demonstrates that the proposed accesses comply with highway standards and therefore vehicles entering and leaving the appeal site would not be detrimental to highway safety.

Vehicle tracking analysis shows that the available space is adequate for the proposed use.

The proposal will create much needed employment meeting Core Strategy objectives.

For the reasons described above it is considered that the planning policies for the area are met and the Inspector is respectfully requested to allow this appeal.

Appendices:

Appendix 1. Hand Car Wash, 5 Bourne Hill, Noise Assessment, Hepworth Acoustics, 2014
(attached)

Appendix 2. A series of photographs taken to show how the simultaneous operation of the two car washes reduces the incidence of queuing on the highway.







