

DELEGATED OFFICER REPORT

Site Address:	Petrol Filling Station, 97 Park Lane, Bedhampton, Havant, PO9 3HQ		
Proposal:	Installation of 2 No. jet wash facilities and the removal of 1No existing jet wash facility. Minor amendments to parking on site.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00502	Expiry Date:	20/09/2024
Applicant:	Nanthakumar Ironmoor Ltd		
Agent:	Mr Elstone Brian Elstone Surveying Services Ltd	Case Officer:	Tina Pickup
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 **Site Description**

The existing petrol station is located south of the Purbrook Way roundabout on the western side of Park Lane. It is located in a mixed area, with residential dwellings abutting its western and southern boundaries, a small shopping parade directly opposite the site on the north western corner of the roundabout, and Barncroft primary School to the south-east. The site lies within the identified Middle Park Way Local Centre by policy CS4 of the HBLP (Core Strategy).

The site consists of a forecourt which includes four pump islands beneath a canopy; a detached enclosed car wash at the south-western side of the site; a single jet wash bay capable of being used by 2 vehicles at the same time adjacent the southern boundary; a tyre air pump bay also adjacent the southern boundary; and a shop. The shop is a flat roofed brick building, with side extension, located in the north-east corner of the site, such that its rear elevation faces to the roundabout where there are a couple of small trees. There are numerous larger mature trees behind the car wash building, screening the rear of the site from the houses behind. Overall the site is located in a prominent position and is highly visible in street scene terms.

Vehicular access to the site is via two points - one on both Park Lane and Purbrook Way.

The hours of use of the various functions at the site were originally controlled on planning permission 98/51870/10 as follows:

Forecourt - 0600 hrs to 2400 hrs 7 days a week

Shop - 0600 hrs to 2300 hrs 7 days a week

Car Wash - 0800 hrs to 2200 hrs Monday to Saturday and 0830 hrs to 2100 hrs Sundays and Bank Holidays

Planning permission was subsequently granted in 2017 (APP/17/00915) to allow 24 hour use, 7 days a week, of the forecourt, with a payment hatch such that there remains no customer access to the shop between 2300hrs and 0600hrs. That permission also limits no deliveries of fuel and/or groceries between 2300hrs and 0600hrs, aswell as some management measures including switching off some of the lighting over night; 2 fuel pumps nearest car wash switched off over night; coning off

the Park Lane entrance with all access and egress being via Purbrook Way overnight; and signage requesting patrons to keep noise to a minimum.

2 Relevant Planning History

98/51870/10 - Redevelopment of site to provide new petrol filling station with canopy, sales building, pumps, car wash, plant room & associated parking and landscaping - pp 8/10/1998 conditions include limiting hours to: Forecourt - 0600 to 2400 7 days a week; Shop 0600 to 2300 7 days a week; car wash 0800 to 2200 Mon-Sat and 0830 to 2100 Sundays & bank holidays

APP/11/00892 - Display of lighting strip to canopy on north west and south east elevations Grant Adv Consent 3/8/11

APP/10/01032 - Replacement underground fuel tanks and associated works Permission 9/8/11

APP/15/00067 - Single storey extensions to north and south elevations; installation of a jet wash bay and additional parking. Permitted 27/05/15

APP/15/00400 - Variation of Condition 8 of Planning Permission 98/51870/10 to allow operation of the forecourt and shop 24 hours a day, 7 days a week Withdrawn 3/6/15

APP/15/00633 - Variation of Condition 8 of Planning Permission 98/51870/10 to allow 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs., Permitted for 1 year temporary 24/07/2015

APP/15/00937 - Application for non-material changes to Planning Permission APP/15/00067 relating to variation of extensions; reduce height of extension to 3.1m and alteration in materials from brick to block and render, PERM,23/09/2015

APP/15/01362 - Display of 1No. internally illuminated fascia sign to main building; 3No. non-illuminated fascia signs; 12No. non-illuminated flat dibond panels; 4No. non-illuminated dibond panels to existing totem BP sign., PERM,28/01/2016

APP/16/00686 - Variation of Condition No.1 of Planning Permission APP/15/00633 to extend temporary permission to allow 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs., Temporary Permission granted 23/08/2016, expiring 1 September 2017.

APP/17/00915 - Removal of Condition 1 of Planning Permission APP/16/00686 to allow permanent 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs. Permitted 16/10/2017

APP/20/01213 - Part change of use from E(a) (A1) to 'Sui Generis' (A5), hot food take away. Permitted 16/02/2021

APP/24/00162 - Installation of 2No. prefabricated enclosed jet wash bays. Withdrawn

22/05/2024 - these were proposed to be sited in the parking bays to the north of the shop but considered overly prominent and potentially harmful to passers by.

3 Proposal

- 3.1 Installation of 2 No. jet wash facilities and the removal of 1 No existing jet wash facility. Minor amendments to parking on site.
- 3.2 The proposal would involve the removal of the existing jet wash bay and its wooden screen adjacent the southern boundary, and reconfigure more of the grass verge area to form an enlarged double bay jet wash facility. Each bay would measure 4.8m x 9.9m and be enclosed with a 2.4m high glazed screen on 3 sides. Two additional car parking spaces are also proposed, including one disabled bay, in the area to the south of the shop building.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

This work does not require Building Regulation consent so no comment made

Councillor Liz Fairhurst - Bedhampton

None received

Councillor Michael Lind

None received

Councillor Phillipa Gray

None received

Southern Water

None received

Environmental Health - on initial submission

There are too many errors in the noise report to have any confidence in the report - some of the errors have been highlighted - the acoustic consultant needs to update and amend the report. Would also like a copy of the calibration certificate for the sound level meter used as this should be included in the report.

Environmental Health - on revised submission

This response relates to noise only.

We have considered the application and accompanying noise report and recommend that permission is refused as there is an inadequate assessment of the potential noise impacts.

The noise report concludes that the noise (the Rating Level) from use of the two proposed jet washes will not be higher than the existing background noise levels for the area during the daytime, evening and night-time periods. Therefore, the report concludes that the noise would not be expected to adversely impact residential amenity. This conclusion has been reached after carrying out a British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Background sound level measurements were taken in the area and a noise model was used to predict noise levels at first floor level of the nearest noise sensitive receptors (dwellings) when the proposed jet washes are in use. The noise report says that the jet washes were modelled with 2.4m high glazed screens to the sides and along the centre line between the bays. It says that the noise modelled is the noise emitted from an Istobal 4CA2100 jetwash plant. The report says that the manufacturer advised that the sound pressure level of the noise generated by the plant is less than 70 dBA "although it is not known at what distance this was measured". The model is said to be based on a worst-cases basis with both bays in constant and simultaneous operation. The operation is based on an "anticipated and typical usage pattern" which includes an 8-minute cycle wash.

Critically, the acoustic model does not appear to model the noise of the water impact from the jet wash on the vehicles themselves or impact with the jet wash enclosure which I assume is of glass construction (please confirm). Noise from this process is likely to be impulsive and as such would be likely to have a detrimental impact on nearby receptors. Only noise from the Istobal 4CA2100 unit appears to have been modelled, the noise level of which is unknown. In these circumstances we would expect measurements to be taken from a unit/set-up which is already in use, which would also confirm whether there is any tonal noise.

When considering the context of the area the report states that worse affected property at 95 Park Lane is occupied by the site operator, thereby suggesting that there will be more tolerance of the noise by the occupier. However, we note that the property has recently been let through an estate agent which indicates that the property is not occupied by the site operator.

We note that the plans provided with the application show a jet wash which is shielded on three side with no gaps between the sides and rear of the car wash and no gaps under the panes of glass themselves. The applicant should confirm this is the case, as

I have only seen arrangements where there are gaps. The presence of gaps will allow noise to escape. The presence of gaps should be taken into account in the noise model. The applicant should advise whether the existing jet wash barrier will be removed, and the acoustic report should confirm whether the noise model includes this barrier.

In terms of the monitored background sound levels for the area these appear to be higher than we would anticipate. The background levels should have been monitored without the current jet wash in operation and the acoustic report should confirm this. Confirmation should also be provided that no over night fuel deliveries were made (as prohibited by current planning permission). Any future noise report must include the background noise data set/values including the statistical value, LAeq and LAmx etc. We also require justification of how the "typical" background sound level was derived e.g. was it the modal value etc.

Any future report provided by dBx Acoustics should be provided with the noise data and calculations used in the acoustic model, including any assumptions used in the model.

Environmental Health - following receipt of 'Response to EH Statement'

Please can we attach an hours condition, and the following:

The rating level of the noise emitted from the jet washes subject to this application shall not exceed the existing background sound level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Hampshire Highways

The Petrol Filling Station has offered a two space shared Jet Spray facility, with the current proposal seeking to provide two jet wash facilities in the same location. The proposal provides a new 2 separate bay facility with a central drain within each bay. It is considered that creating the two separate bays may be more effective in containing waste water and reducing overspill.

Having regards to the above the Highway Authority would recommend -
No objection (no conditions)

HCC Arboricultural

I Have no objection to this proposal.

No works to be carried out (no storage, movement, bunding or parking) towards the west of the existing bay so the tree that is present several metres west is not impacted.

A simple fencing line to enforce no access to the area to the west is to be conditioned if the proposal is consented please.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 49

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
the Garage has already got one main car wash which is so loud over 96db is over the maximum you can have with out ear protection and ive complained to BP with no avail this car wash is always on!, and is supposed to be from 8am till 10pm and this Garage is always letting people use out off hours, and they have one jet wash already, how many car cleaning facilities does one Garage need? The Garage already causes massive light pollution leaving the car wash on all night and massive noise pollution, so letting them have another car wash is ridiculous,	The car wash is limited by condition to between 0800 and 2200 Mon-Sat and 0830 and 2100 Sundays & bank holidays. Lighting is also limited by condition - therefore any alleged breaches need to be raised with the Enforcement Team to investigate.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Trees
- (v) Biodiversity Net Gain (BNG)

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site also forms part of the Middle Park Way Local Centre where Policy AL3 seeks to support the vitality and viability of Local Centres and Policy CS4 supports developments appropriate to the hierarchy of identified centres.

7.3 Therefore the existing use of the site as a petrol filling station, with associated car washes and retail functions, is supported by policy and not in debate - the site has been established in such use for many years. Arguably the upgrading of the existing jet wash facility would improve the services offered at the site to the benefit of local users. Therefore it is just the impacts of the change in type of jet wash facility on the southern boundary that needs to be considered.

(ii) Impact upon the character and appearance of the area

7.4 The existing jet wash screen is set back by between 8m and 10m from the highway edge of Park Lane and is constructed of timber. As such it appears as a recessed fence and is visually neutral in street scene terms to passing pedestrians and vehicles. The proposed re-sited double bay would sit closer to the highway, being set between

5m and 6m from Park Lane, but would be clear glazing.

- 7.5 It is considered that this visually lighter weight enclosure would compensate for the re-siting and closer proximity to the highway. The separation to the highway, at 5m, is nevertheless considered sufficient to limit any overbearing effect to passing pedestrians, and limit any spray in windy conditions. Whilst forward of the adjacent bungalow at number 93, and closer to the shared boundary, as a clear structure it would not be overly enclosing.
- 7.6 The proposed changes to the car park in the formation of 2 additional spaces, including one disabled space, in the area to the south of the shop is considered relatively minor. The area is largely hard surfaced already with paths, and relative to the scale of existing hard surfacing on the site the change would be minimal.
- 7.7 Overall it is considered that the siting, design and appearance of the proposed jet wash facility and car park amendments are deemed appropriate to the context of the site and street scene, and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.8 The proposal would upgrade the existing jet wash facilities at the site, in the approximate same position, rather than introduce a new activity at the site. The submitted noise report has used model data of typical jet wash machines, against background readings taken with the existing jet washes in use. The report notes that the noise climate at the site already includes jet wash and car wash activity and the proposals do not change the nature of the sound already experienced by residents. After requesting amended noise information, Environmental Health raise no objection subject to conditions.
- 7.9 Different functions at the site are already controlled via hours conditions and due to the sensitive siting of the jet washes adjacent the boundary of a residential property, then it is considered appropriate to limit the use of the jet washes to the same as the car wash on the site ie between 0800 hrs to 2200 hrs Monday to Saturday and 0830 hrs to 2100 hrs Sundays and Bank Holidays. On this basis it is considered there would be limited material difference in noise impacts on neighbouring amenity and the proposal would therefore accord with policies CS16 and DM10 of the HBLP (Core Strategy)

(iv) Impact on Trees

- 7.10 The TPO'd weeping willow on the southern boundary has not existed for many years, but there are several mature trees in the south western corner of the site. None are directly affected by the replacement of the jet washes. However to ensure the continued protection of these trees with no storage, parking, bunding etc, under these trees, the County Arborist requests that a protective fence be erected during construction. This can be conditioned.

(v) Biodiversity Net Gain (BNG)

- 7.11 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicants have claimed an exemption from the BNG requirements due to the development proposals falling

below the applicable thresholds of 25sqm of on-site habitat or 5m of on-site linear habitats.

- 7.12 Having given due consideration to the nature of the proposals, it is clear that limited, and less than the threshold, habitat will be lost as a result of the works. On this basis it is agreed that the development is exempt from BNG requirements.

8 Conclusion

- 8.1 The proposed replacement jet wash development is considered acceptable in principle, appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00502 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements 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 approved plans:

Design and Access Statement by CProject dated 26 June 2024
Block and Location Plans - Drawing Number 1413-001 Rev A
Double Jet Wash Unit - Drawing Number 1413-003 Rev A
Proposed Site Plan - Drawing Number 1413-002 Rev C
Noise Impact Assessment by dBx acoustics report 24019-Ro1D-SW dated 20/8/2024
Noise Addendum letter dated 08/09/2024 by dBx acoustics
Noise Response Statement dated 14/11/2024 by dBx acoustics
Background Noise Measurement Data

Reason: - To ensure provision of a satisfactory development.

- 3 The jet washes hereby permitted shall only be used between 0800 hrs to 2200 hrs Monday to Saturday and 0830 hrs to 2100 hrs Sundays and Bank Holidays.

Reason: To protect the amenities of adjacent residential properties and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The rating level of the noise emitted from the jet washes subject to this application shall not exceed the existing background sound level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To protect the amenities of adjacent residential properties and having

due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 At all times during which the development hereby approved is being undertaken, the existing trees to the west of the hereby approved jet wash shall be enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.