

Alleged Unauthorised Development

East Peckham

08/00019/UNAUTU

567349 148727

East Peckham And
Golden Green

Location: 2 Hale Street East Peckham Tonbridge Kent TN12 5HT

1. Purpose of Report:

1.1 To report a change of use of land from a petrol filling station to a hand car wash.

2. The Site:

2.1 The site is located within the rural settlement confines of East Peckham which is defined as a Rural Service Centre.

3. Relevant History:

3.1 There is a long planning history for this site. The most relevant being:

TM/98/00042/LDCE	Refuse	9 April 1998
	Appeal Dismissed	14 July 1999

Lawful Development Certificate Existing: Car cleaning building.

TM/00/02369/FL	Approved	23 November 2000
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Vehicle cleaning bay.

TM/05/03495/FL	Application Not Proceeded With – due to failure to submit full details to enable the application to be determined	5 March 2008
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Change of use of former petrol filling station and car sales to mixed use of car sales and car valeting

TM/06/04010/FL	Application Not Proceeded With – due to failure to submit full details to enable the application to be determined	5 March 2008
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Erection of two blocks of 6 no. 2-bed flats with associated parking and alteration to vehicular access.

TM/07/00316/FL

Application Not
Proceeded With – due
to failure to submit full
details to enable the
application to be
determined

7 March 2008

Change from car sales service to a car wash service.

There have been a number of enforcement investigations into various matters at the site including the erection of buildings, advertisements and lighting. Currently, the outstanding issues at the premises are its use as a hand car wash and the stationing of a burger van. The second issue is under investigation.

In the week ending 7th March 2008, two noise abatement notices were served on the owner of the land. One notice relates to a generator powering a burger van (which may be the subject of a planning enforcement report at a later date). The other notice relates to the powered car valet equipment (jet washers, vac's etc). The notices were served as in the opinion of the Environmental Health Officer, the noise constituted a statutory noise nuisance within the meaning of the Environmental Protection Act 1990. As such the actual noise level is of sufficient nature, extent and degree so as to materially interfere with the reasonable enjoyment of the complainants land and property.

4. Alleged Unauthorised Development:

4.1 The use of the land for a car wash.

5. Determining Issues:

- 5.1 PPG24 provides guidance to ensure that noise levels from development are acceptable. Policy P3/17 of the 1998 Tonbridge and Malling Local Plan requires that noise generating development should not have a significant adverse impact on any nearby noise-sensitive uses.
- 5.2 PPS1 - Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. Policy CP1 of the Tonbridge and Malling Core Strategy 2007 states that all proposals for new development must result in a high quality sustainable environment, the need for development will be balanced against the need to protect and enhance the natural and built environment, and residential amenity and land quality will be preserved. In determining planning applications, the Borough Council will seek to minimise water consumption and have regard to the potential for water recycling.
- 5.3 Policy CP21.3 states that employment development on sites within the Rural Service Centres but not specifically identified for that purpose will be permitted if there is no significant adverse impact on residential amenity.

5.4 The change of use of the land for its use as a hand car wash has a negative noise impact on nearby residential premises. It has resulted in a poor quality environment that does not protect or enhance the surrounding built environs, and has a negative impact on residential amenity and the quality of the land. The use does not seek to minimise water consumption or harness any potential for water recycling.

6. Recommendation:

6.1 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

Breach of Planning Control Alleged

The material change of use of land from a petrol filling station with associated uses for the purposes of providing a car washing service to the general public.

Reasons for Issuing The Notice

The change of use of the land has a negative noise impact on nearby residential premises. It has resulted in a poor quality environment that does not protect or enhance the surrounding built environs, and has a negative impact on residential amenity and the quality of the land. The use does not seek to minimise water consumption or harness any potential for water recycling. This is contrary to PPS1, PPG24, policy P3/17 of the 1998 Tonbridge and Malling Local Plan and policy CP1 and CP21.3 of the 2007 Tonbridge and Malling Core Strategy.

Requirement

1. Cease the use of the land as a car wash

Period for Compliance

1 calendar month from the date of effect of the notice.

6.2 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Richard Edmonds