



Appeal Decision

Site visit made on 8 July 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/G5180/W/19/3227365

**Sundridge Park Nursery, Station Approach, Plaistow Lane, Bromley, Kent
BR1 4DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ismail Cemal against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05167/FULL2, dated 15 November 2018, was refused by notice dated 11 March 2019.
 - The development proposed is a change of use from A1 retail to a hand car wash.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the above description, I note the appeal proposal also includes the construction of a new canopy and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal on highway safety.

Reasons

4. The appeal site is a former nursery/garden centre situated on Station Approach beside Sundridge Park Railway Station which is on the Bromley North to Grove Park branch line being served by regular trains Monday-Saturday. The number of services appears to exceed that suggested by the appellant, with regular services observed during the site visit.
5. Station Approach, which the appellant suggests is privately owned by Network Rail is accessed from Plaistow Lane to the north and has a footway along only its western side, serving the station entrances and bordering the appeal site, providing a foot link to Lansdowne Road. At its southern end, Station Approach also accommodates a household recycling site. A minicab office sits on the eastern side of Station Approach adjacent to the main station building.
6. Through the entirely vehicle reliant change of use, the proposal would introduce significant additional vehicle movements to Station Approach. The Council's Highways Development Engineer raised objection to the planning application.

7. The main station access would be situated immediately adjacent to the vehicle exit from the car wash, while the vehicle entry point is situated close to a secondary access to platform 2 at the southern end of Station Approach. In particular pedestrians exiting the station may unlikely be aware of the presence of the car wash and the associated vehicle movements in very close proximity.
8. Subsequently, there is therefore clear potential for conflict between drivers using the car wash and pedestrians exiting the station by reason of the close presence of both of the station accesses to the detriment of the safety of pedestrians.
9. The appellant suggests that traffic on Plaistow Lane was free flowing in the morning and evening peak at the time of their survey, while the Council's Highway Officer states that peak times are extremely busy. In relation to the evidence presented, the latter situation accords with what I saw on my site visit, although I acknowledge that this was only a snap shot in time.
10. Station Approach is not of significant width but without any vehicles parked along its length would be able to accommodate the two way traffic indicated on the submitted plans. However, on the basis of photographic evidence and images submitted by the appellant and the Council in association with their statement, car parking would appear to occur along the eastern side of the road which has not been accounted for.
11. It is also likely that other vehicles associated with using or maintaining the recycling centre, taxis, those using the post box or dropping off or picking up railway users could be temporarily parked within the road. The sign restricting parking within the road is small and from the evidence submitted the parking restrictions do not appear to have been adhered to despite the availability of a nearby car park. Restricting parking would probably require a level of enforcement in relation to which I have no details.
12. Irrespective of the number of cars that the business could accommodate per hour, at busy times, it is likely that the site could become full requiring customers to either wait in their car on Station Approach or make a turning manoeuvre and leave.
13. Consequently, if such situations were to occur, there is a significant risk that traffic movement within Station Approach would become restricted causing traffic to back up on Plaistow Lane where the restriction in traffic flow would be to the detriment of highway safety, particularly bearing in mind the nearby presence of both a bus stop and pedestrian crossing.
14. Any parking around the recycling site would also complicate access to the appeal site as it would be very difficult to access the car wash in the manner shown on the submitted vehicle tracking plan. This would result in further potential for conflict between competing drivers within Station Approach.
15. Overall, the proposal would introduce significant additional vehicle movements to Station Approach, which for the reasons above would have a significant detrimental impact on the safety of those using the highway network in the vicinity of the appeal site.
16. Therefore, the appeal proposal would conflict with Policy 32 of the London Borough of Bromley Local Plan 2019 which seeks to ensure that road safety is not significantly adversely affected as a result of any development.

Other Matters

17. The opening hours described within the application form are Monday – Saturday 08:00-17:00 and Sunday 08:00 – 13:00. Within their appeal statement the appellant suggests that they are willing to offer a start time of 9am, presumably to limit the impact of the development on the morning rush hour. The appellant has briefly drawn my attention to another car wash where the permission included a condition restricting opening hours. I do not consider that restricting the opening hours of the car wash to after 9am would be sufficient to mitigate the harm identified as conflict between users of the highway network in the vicinity of the appeal site has the potential to occur throughout the day.
18. I note that the Council has not raised concern with regard to any impact on living conditions of nearby occupiers, in relation to the visual appearance of the appeal proposal or in relation to the loss of a retail site. These are therefore neutral matters that do not weigh in favour of or against the proposal.
19. I also accept that the appeal proposals would allow the re-use of the site, that the car wash would be of convenience to some and that the use could bring potential customers into the area to the benefit of other businesses. However, these benefits do not outweigh the harm that I have identified.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR