

Item No. 6.	Classification: Open	Date: 4 February 2015	Meeting Name: Camberwell Community Council
Report title:		Deputation Request – About a local car wash on Parkhouse Street, Camberwell	
Ward(s) or groups affected:		All wards in the Camberwell Community Council area	
From:		Proper Constitutional Officer	

RECOMMENDATION

1. That the Camberwell Community Council consider a deputation request from some residents of Parkhouse Street about a car wash in the area and planning permission.

BACKGROUND INFORMATION

2. Deputation requests have been submitted by representatives of those mentioned above. A deputation can be submitted by a person of any age who lives, works or studies in Southwark. Deputations must relate to matters which the council has powers or duties or which affects Southwark.
3. The deputation refers to a car wash on Parkhouse Street - which is causing a nuisance to residents.

The deputation states:

“We [residents of Parkhouse Street] request Camberwell Community Council to ask the planning department to require the local car wash business to apply for planning permission. The car wash is causing a nuisance in terms of noise, parking, ambience, and environmental pollution and it should be required to apply for planning permission.”

4. At the meeting, the spokesperson for the deputation will be invited to speak for up to five minutes on the subject matter. The community council will debate the deputation and at the conclusion of the deputation the chair will seek the consent of councillors to debate the subject. Councillors may move motions and amendments without prior notice if the subject does not relate to a report on the agenda. The meeting can decide to note the deputation or provide support if requested to do so. The community council shall not take any formal decision(s) on the subject raised unless a report is on the agenda.
5. Any relevant resource or community impact issues will be contained in the comments of the strategic director.

KEY ISSUES FOR CONSIDERATION

6. The deputation shall consist of no more than six persons, including the spokesperson.

7. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.
8. Councillors may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.
9. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. The monitoring officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Comments of the Chief Executive

Parkhouse Street SE5

Planning Considerations

10. A planning enforcement investigation, initiated following a report of unauthorised development in May 2013, found a mixed use vehicle repairs/MOT and car wash is operating at the site. Some disturbance arises from the use of cleaning equipment - pressure washers and vacuum cleaners, and music being played and customers shouting. It was determined that the operation, including the car wash, was a *sui generis* use, that would require planning permission; and that this had not been granted.
11. The premises is a single storey building, located opposite dwelling houses (1-13 Parkhouse Street). The site is designated as a preferred industrial location (PIL) in the Council's development plan and the boundary of the PIL runs along Parkhouse Street so that the houses opposite lie outside. In PILs, planning policy allows light industrial, general industrial, warehousing and other similar land uses that would not be acceptable in residential areas, and protects these uses where they exist. Various uses that are acceptable in land use terms in PILs can have unneighbourly impacts but provide important economic functions and local employment opportunities.
12. In investigating the case, the officer visited the site on several occasions and witnessed the levels of activity and noise arising from the car wash operation. The impact on neighbours, in the context of the industrial designation of the site, was assessed as insufficiently harmful to justify enforcement action. Officers invited the operator to submit a planning application. Had an application been submitted, and then approved, it would enable the Council to apply conditions to control hours of use.
13. No application was made and there are no powers to compel the operator to submit one. However, the hours of use between 8am and 7pm that the car wash operates are considered reasonable, and have been allowed at another car wash site elsewhere in the borough, that did not lie within a PIL. A more restrictive condition would not be reasonable in the context of the site designation.
14. The test of whether to take planning enforcement action is expediency, not simply that a development requires permission and does not have it. The National Planning Policy Framework states:
Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

15. The car wash/vehicle repairs/MOT use is one that is considered acceptable in a PIL and the activities and hours of operation were assessed as not causing such harm to residential amenity that enforcement action was justified. On this basis, it was determined that it would not be expedient to take enforcement action.
16. Planning enforcement action can be taken for up to 10 years after an unauthorised use begins. There is very little planning history on this site or the wider PIL, but there are a range of longstanding industrial, warehousing and other similar uses. During the investigation, residents living opposite the site said that they believed that the use began in around 2004, and information from Companies House shows the premises have been used in this way since 2005. As such, it is very likely that the use is now immune from enforcement action.

Environmental Protection

17. The EP Officer has undertaken two site inspections and assessed the impact of the car wash activities within a complainant's home over a total time period in excess of two hours.
18. The car wash, whilst noticeable, is not sufficiently intrusive within nearby residences to be considered an actionable statutory nuisance under S.80 of the Environmental Protection Act 1990.
19. Officers from the Noise and Nuisance Team have also inspected in response to complaints from the public and reached the same conclusion.
20. The Noise and Nuisance and Environmental Protection teams do not have, and are unlikely to gather, the evidence necessary to be able progress to an enforcement stance to reduce the environmental impact of the car wash on residents.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Written correspondence received from local residents	160 Tooley Street, London SE1P 5LX	Tim Murtagh 020 7525 7187

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Lesley John, Principal Constitutional Officer	
Report Author	Tim Murtagh, Constitutional Officer	
Version	Final	
Dated	26 January 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Chief Executive	Yes	Yes
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Children's and Adult's Services	No	No
Date final report sent to the Constitutional Team		27 January 2015