

Cllr Lee Wares and Cllr Geoffrey Theobald

BH2018/02579 – Patcham Service Station, Patcham By Pass

Please accept this letter as our **OBJECTION** to the above application.

The applicant has submitted with their application the notification letter (NL) from Brighton and Hove City Council confirming the extension of the hours to sell alcohol and late night refreshment. As Ward Councillors we objected to the licence application and made representations at the hearing. This application seeks to extend the trading hours of the premises to match the times of the alcohol and late night refreshment licence.

The NL refers to the Licensing Panel's view that they did not think the extended hours had the potential to adversely affect residents. As Ward Councillors we remain of the opinion that the Licensing Panel were wrong in their judgement and that their determination was not made in any context or with due consideration of Planning legislation and Policy. As such, there should be no weight attached to the Licensing Panel's views and especially should not take precedence over the opinion of the Planning Inspector.

In 1984 the site was granted Planning Permission only after an appeal and subject to various conditions. The Planning Inspector made clear that the opening hours must be restricted to 0700-2300 hours (condition 7) due to the noise and light pollution the development would cause to neighbouring properties and the Conservation Area. The applicant seeks to vary this specific condition.

Further, we do not feel it appropriate that the Local Planning Authority should over-ride the Planning Inspector's decision that it will do if this application is granted Planning Permission.

The applicant has provided a Noise Impact Assessment (NIA) but the NIA fails to address two key issues. It does not provide any evidence or narrative to address the Planning Inspector's opinion and ruling and fails to take account that extending the hours to enable the sale of alcohol and late night refreshment there will be pedestrian movement and activity; the applicant assumes there will only be a few additional vehicle movements. We believe it disingenuous and misleading to purport the application as to just enable refuelling of vehicles. The service station will become an additional source of late night activity generated by alcohol and refreshment sales that has the potential to generate greater activity, noise and anti-social behaviour. The service station has every potential to become nothing more than an off-licence.

There have been no positive changes to the area that could possibly mitigate the concerns of the Planning Inspector. Traffic and pedestrian movements have increased and by extending the trading hours noise and light pollution will only increase. It is impossible to suggest that by opening longer, noise and light pollution will decrease and thus satisfy the Planning Inspector's concerns.

COUNCILLOR REPRESENTATION

We are also concerned at the apparent attempt in the NIA to understate the noise impact. It is incorrect to state that residential properties in Old London Road and Greatham Court are nominally 30m from the forecourt. Residential properties are significantly closer and nearer to 5m. Equally, from our understanding of the NIA, noise monitoring positions were not close to properties in Greatham Court so it cannot even be possible to give an assessment either evidenced by readings or by extrapolation.

The NIA also contains a comment that notwithstanding the erroneous and impossible noise assessments made, that those assessments included are based on the adoption of a new 3m high boundary wall with a 5kg/m² surface density. Essentially, the NIA concludes that the noise levels will only be achieved if a new acoustics barrier is erected. The application itself makes no reference to a new wall that in its self would be subject to Planning Permission particularly in a Conservation Area. The applicant themselves therefore void this application if for no other reason than they seek to vary a condition when in fact to achieve this, the applicant needs to secure permission to erect a new 3m boundary acoustic screen in a Conservation Area.

In summary, we reiterate our objection to this application for the following reasons:-

1. The data upon which the noise assessment is made are erroneous and misleading;
2. Changing the trading hours merely serves to create an off-licence with refreshments;
3. It is impossible to remotely consider varying condition 7 unless permission is secured for a new acoustic boundary wall;
4. That no evidence has been provided to compel or allow the Local Planning Authority to over-turn the Planning Inspector's opinion and thus vary the condition attached to the original permission; and
5. Extending the trading hours will cause material nuisance, loss of amenity and disturbance as a result of increased traffic volume, noise, artificial lighting and offsales of alcohol and refreshment that will be contrary to Policy QD 27.

Should the Local Planning Authority consider granting this application, we request that it is brought to Planning Committee for determination where we reserve our right to speak to our letter and the application.