

Appeal Decision

Site visit made on 9 November 2016

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/X1355/W/16/3155833

Lintzford Garden Centre, Lintzford Road, Hamsterley Mill, Newcastle Upon Tyne, NE39 1DG

- 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 Jon Kal against the decision of Durham County Council.
 - The application Ref DM/15/01106/FPA, undated, was refused by notice dated 10 May 2016.
 - The development proposed is described as "opening of a car wash in a private land at above address."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the appellant detailed in the heading above is taken from the planning application form and is the same as that detailed on the Council's decision notice. The name indicated on the appeal form is Jon Boss and is signed Jon Kal Boss.
3. The planning application form is undated. The appeal form indicates that the planning application was dated 8 May 2016. However, the Council's decision notice indicates the date of the planning application as 8 May 2015.
4. Notwithstanding the description of development set out above which is taken from the planning application form, it is clear from the documentation that the development comprises the change of use from a carpark to a carwash (including the siting of a cabin, water recirculation system and floodlighting). The Council considered the proposal on this basis and so shall I.

Main Issues

5. The main issues in this case are:
 - the effect of the development on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance;
 - the effect of the development on the natural environment having regard to the adequacy of the wastewater drainage and management and the provisions of the National Planning Policy Framework (the Framework); and
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- whether the development comprises sustainable development having regard to the principles of sustainable development indicated in the Framework.

Reasons

Living conditions

6. Lintzford Bridge Garden Centre is located alongside Lintzford Road (A694) adjacent to the River Derwent within a rural area. The car wash facility which has already commenced is sited in the south western corner of the hardstanding area associated with the garden centre. The planning application indicates the opening hours of the car wash as being within the daytime only.
7. The site of the car wash facility adjoins the main road (A694) to the north-west and the residential property known as Steelclose House to the south. The cabin is sited adjacent to the southern boundary of the site which is delineated by a timber fence beyond which is mature landscaping. The hardstanding area in front of the cabin is used for the washing/valeting of vehicles.
8. Interested parties have raised concerns regarding noise and disturbance from the cleaning equipment used by the car wash facility. However, the Council's Environmental Health Officer raises no objection to the development in this respect indicating that the dominant noise source within the area is traffic noise from the main (A694) road.
9. Steelclose House, which is the nearest residential property, is sited some distance (over 100m) from any noise which may emanate from the car wash operation. Although there were no cars being washed/valeted at the time of my site visit it seems to me that, notwithstanding that the site is located within a rural environment, given the background noise from the adjacent main road together with the daytime limitation of the use, the intervening distance between the appeal site and the nearest residential property and the buffer created by the cabin, fence and landscaping which lie between, the operation of the car wash facility is not likely to significantly harm the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. Accordingly, the development complies with saved policy GDP1 of the Derwentside Local Plan 2007 in so far as it seeks to ensure that the amenities of neighbouring occupiers and land users are protected.

Natural environment

10. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. The Framework indicates, at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It also indicates, at paragraph 120, that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location.
11. The Planning Practice Guidance, reference ID: 34-016-20140306, indicates that water quality is only likely to be a significant planning concern when a proposal would involve physical modifications to a water body or indirectly affect water

bodies, for example, through a lack of adequate infrastructure to deal with wastewater.

12. In this case a recycling system containing Arco drainage channels, a holding tank, pump and pressure washer tanks have been installed on the site in connection with the car wash facility. The Council does not dispute that the recycling system would be able to recycle the water used on site but indicates that no details of contaminant management from detergents and oils have been provided and contends that the installed system appears incapable of addressing these issues. I note that the appellant states that appropriate improvements have been introduced and that these matters have now been fully addressed. However, I have not been provided with the details of any such improvements. Accordingly, from the evidence before me I cannot be satisfied that the wastewater drainage and management of the car wash operation is sufficient to not cause harm to the natural environment, particularly given the proximity of the site to water bodies including the River Derwent. The development is therefore contrary to the principle of the Framework of conserving and enhancing the natural environment.

Sustainable development

13. The Framework indicates that there are three dimensions to sustainable development: economic, social and environmental. It also indicates that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
14. The car wash facility is sited within the larger garden centre site and the submitted information indicates that there is one full time and two part time jobs associated with it. Accordingly, there are some economic benefits associated with the appeal proposal, albeit these are likely to be limited given the scale of the operation.
15. The evidence indicates that the car wash facility is providing a service which is being utilised. Therefore, there are also some social benefits associated with it. However, given the nature of the business and its siting in a rural area somewhat separated from concentrations of population it seems to me that any benefits in this respect are also likely to be limited. Furthermore, I have found that it would be contrary to the principle of the Framework of conserving and enhancing the natural environment. Therefore, notwithstanding that I have found that the car wash facility is not likely to significantly harm the living conditions of the occupiers of neighbouring properties, it would not satisfy the environment role of sustainable development. Accordingly, on balance I conclude that having regard to the principles of sustainable development indicated in the Framework the proposal does not comprise sustainable development.

Other matters

16. The appellant contends that he has complied with the Council's requests and expresses concern regarding how the Council dealt with the planning application. However, that is not a matter that I can comment on or consider as part of an appeal under Section 78 of the above Act.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR