

Appeal Decision

Site visit made on 3 April 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/W4325/W/16/3167150

223 Greasby Road, Greasby, Cheshire CH49 2PF

- 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 Rad Rostaminia against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00800, dated 21 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is the change of use for a car wash to operate from the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on:
 - The living conditions of nearby residents with particular regard to noise and disturbance; and
 - Highway safety.

Reasons

Living Conditions

3. The appeal site is a vacant L-shaped plot of land on the junction of Wood Lane and Greasby Road. It is located at the end of a short row of commercial properties that front Wood Lane, some of which have residential accommodation on the upper floors. A further parade of shops lies to the other side of Wood Lane. To the rear of the site is an unmade access track that serves the rear of the shops, and beyond this is No 1 Wood Lane.
 4. It is proposed to use the site for a hand car wash and valeting that would operate between 0900 and 1700 hours, 7 days a week. A new entrance into the site would be created from Wood Lane, and cars would exit the site onto the access road at the rear of the site.
 5. Although it is indicated that the main jet washing equipment would be housed within the adjacent Hot Food Take Away, which the appellant also owns, the hand held jet washers and vacuum cleaners would still generate noise and disturbance. Whilst these in themselves may be limited, noise and disturbance would also be caused by traffic movements, banging of car doors, car radios
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playing and engines running. I accept that Greasby Road is a busy road and that there is a certain amount of noise generated by the traffic using it. Despite this, in my view, the cumulative impact of all these noise sources associated with the proposed use, in close proximity to both No 1 Wood Lane, and the flats above the adjacent commercial properties, would result in a significant increase in noise and disturbance for the occupiers of these properties. The noise would be particularly noticeable and intrusive in the summer months when the outside space is likely to be used more intensively, and windows left open to improve ventilation.

6. Whilst customers visiting the nearby shops also generate traffic movements and associated noise, the majority of parking associated with these uses takes place on the service roads to the front of the properties which is further away from residential uses, and especially their outdoor space. Moreover, although the proposal would only operate during the daytime, it would be open 7 days a week, and the busiest times are likely to be at weekends when residents are most likely to be at home.
7. Consequently, I consider the proposal would harm the living conditions of nearby residents with regard to noise and disturbance. Accordingly it would be contrary to Policy H15 of the *Wirral Unitary Development Plan (adopted February 2000)* (WUDP) which, amongst other things, seeks to ensure that new developments do not cause a nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicles.
8. The appellant has highlighted that the convenience store located on the other side of Wood Lane has fans associated with the refrigeration units in close proximity to the adjacent flats. I do not know the circumstances that led to these being accepted, or the policies that applied at the time of their consideration, but observed that the noise generated by them is limited. In any event I have determined the appeal on its own merits.

Highway Safety

9. Due to the limited size and the shape of the appeal site, only a small number of vehicles would be able to wait and manoeuvre within the site at any one time. The appellant has suggested that there is space for 4/5 cars within the car washing area, but no swept path diagrams have been provided to show that this would be possible. From my own observations, I concur with the highways authority that the capacity of the site to stack and manoeuvre vehicles would be limited. As such, at peak times, I consider that it is highly probable that the proposed use would result in traffic queueing on the highway whilst waiting to access the site. This would prevent the free flow of traffic along Wood Lane.
10. The site is close to the junction of Wood Lane and Greasby Road. This junction also provides an access and exit to the service road in front of 217 – 223 Greasby Road, and is only a short distance to the only entrance to the service road in front of the row of shops to the east of Wood Lane. As such it is a busy junction. In the light of this I consider that traffic queueing on the highway whilst waiting to enter the site would be detrimental to both highway safety, and the free flow of traffic along Wood Lane.
11. I accept that at times cars may have to wait on Wood Lane to turn right into the service road in front of the shops. However, in contrast to vehicles waiting to enter the site which may be waiting on the highway for some time, traffic

waiting to turn into the access road is only likely to prevent the free flow of traffic momentarily.

12. Therefore, I consider that the proposed development would have an unacceptable impact on highway safety. As a result, in this regard also, it would be contrary to Policy H15 of the WUDP which also requires that proposal make adequate provision for parking and servicing.

Other Matters

13. The proposal would bring a vacant site back into use. Whilst this favours the scheme, it does not outweigh the harm I have identified above. Moreover, improvements to the visual appearance of the site could take place whether or not the appeal scheme proceeds.

Conclusion

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

Alison Partington

INSPECTOR