
Appeal Decision

Site visit made on 6 April 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 9 May 2017

Appeal Ref: APP/G1250/W/16/3163066

1053 Wimborne Road, Bournemouth, Dorset BH9 2BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr D Ramazan against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-1721-Z, dated 16 April 2016, was approved on 15 July 2016 and planning permission was granted subject to conditions.
 - The development permitted is minor material amendment to application 7-2014-1721-Y (appeal ref. APP/G1250/W/15/3013850) for alterations to siting of jet wash bays and canopy, retention of boundary wall and existing access.
 - The conditions in dispute are Nos 2 and 8 which state that: 2) No vacuum cleaning or jet washing machinery shall be operated on the premises outside the hours of 09:00 to 18:00 on Monday to Friday, 09:00 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays or Bank Holidays; 8) The mechanical equipment on site shall be limited to 1 number jet wash compressor housed in an acoustic enclosure; 2 number jet wash nozzles; and 1 number vacuum cleaner housed within a moveable acoustic enclosure. The acoustic enclosures shall be as approved in writing by the Local Planning Authority and shall be maintained and retained thereafter.
 - The reasons given for the conditions are: 2) To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012); 8) To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The development to which the conditions concerned apply was amended from that granted on appeal Ref APP/G1250/W/15/3013850, as referred to in my fourth bullet point in the above header. Whilst that previous decision represents a material consideration, I have determined this appeal on its own merits based on all of the submitted evidence.
 3. The development has largely been implemented in accordance with the approved plans although the Council has drawn my attention to some aspects which have not been, including a lack of a dividing wall between the two jet wash bays and different internal wall materials. The Council also considers that the jet wash bay structure may be less deep than that approved. Notwithstanding these matters, I have considered this appeal based on the plans and details submitted.
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4. The planning permission for the development included conditions 2 and 8 in order to safeguard the amenities of occupiers of adjoining and nearby properties. This relates to policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (the Core Strategy) which together require development to minimise potential pollution by way of, amongst other things, noise, and not to be detrimental to the amenity of any part of the Borough. I note that the reasons for the conditions in the Council's decision notice refer to policy CS14 rather than CS41. However, from the submissions and also that previous appeal decision it is clear that policy CS41 is the relevant one and not CS14. I have determined the appeal on that basis.
5. Taking account of the above background the main issue is whether the conditions concerned are reasonable and necessary in the interests of the living conditions of neighbouring residents, in respect of noise and disturbance.

Reasons

6. The development concerned is located at a corner location at the junction between Wimborne Road and Hillcrest Road. There are residential properties a short distance away to the east of the site and on the opposite side of both Hillcrest Road and Wimborne Road. Wimborne Road is a through road which at my site visit I saw to be fairly heavily trafficked, and substantially more so than the residential estate roads leading from it in the vicinity of the site, including Hillcrest Road.
7. With regard to the hours of operation of the machinery on the site, I note that my colleague in the previous appeal referred to above found it necessary, through condition 2 of that decision, for there to be a distinction between weekdays and weekends in this respect. This is therefore a significant material consideration.
8. The submitted Environmental Noise Impact Assessment report Ref IMP4335-4 (the ENIA) was also only carried out on the basis of those hours previously approved, and so not until 18:00 hours on a Saturday. Neighbouring residents would be more likely to be in their house or garden at the weekends. The ENIA figures suggest that background noise levels on Saturdays fall off during the afternoon and into the evening. As such, the additional hour of operation on the site for a significant period of the year, and over the summer months when people are more likely to be out in their gardens or have windows open, would be likely to cause a harmful degree of noise and disturbance to those nearby residents living in fairly close proximity to the development. I have received no substantive information to demonstrate to the contrary.
9. I have had regard to the appellant's proposal to reduce the operating hours in the winter months from those currently permitted resulting in less hours in total throughout the year than existing. However, this would be unlikely to provide adequate compensation for the proposed extended hours from March to October, especially as neighbouring residents would be less likely to be using their gardens or have windows open anyway during the winter. I have also not received any substantive evidence to demonstrate that there would be material health and safety benefits associated with the appellant's proposed operating hours.
10. In respect of the provision of vacuum cleaner equipment, I note that my colleague in relation to that previous appeal referred to witnessing the

effectiveness of the acoustic enclosures and that the equipment could not be heard over the general background. That was nevertheless only a snapshot observation. Furthermore, I have no details as to all of the positions from where he made his observations or the extent of noise from the rest of the site and surrounding area at the time. Importantly, he also found it necessary to impose a condition to limit the amount of mechanical equipment on the site, including just one vacuum cleaner, and so this again is a significant material consideration.

11. It is also evident from the ENIA that the operation of vacuum cleaner equipment adds to the overall level of noise on the site. Furthermore, it is unclear from the ENIA as to whether the operation of more than one vacuum cleaner at the same time was taken into account in that report and I have not received any other substantive evidence in support of such an increase. I cannot therefore be certain that the provision of a second vacuum cleaner on the site would not cause such additional noise and disturbance as to be harmful to the living conditions of neighbouring residents.
12. I have had regard to the benefit of being able to valet a car quicker with two operatives vacuuming, in terms of traffic flow and the general operation of the site. However, that benefit would be insufficient to outweigh my concerns in respect of noise and disturbance.
13. For the above reasons, the existing conditions concerned are reasonable and necessary in the interests of the living conditions of neighbouring residents, in respect of noise and disturbance, and so as to ensure that the development accords with policies CS38 and CS41 of the Core Strategy.

Conclusion

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

Andrew Dawe

INSPECTOR