

## Appeal Decision

Site visit made on 25 April 2017

**by K Taylor BSc (Hons) PGDip MRTPI**

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

**Decision date: 12 May 2017**

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**Appeal Ref: APP/D0121/W/17/3168657**

**Car Park Area, Crown Glass Shopping Centre, Nailsea, North Somerset  
BS48 1RD**

- 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 Ashok Kumar (Gertlush Ltd) against the decision of North Somerset Council.
  - The application Ref 16/P/2225/F, dated 21 June 2016, was refused by notice dated 16 December 2016.
  - The development proposed is described as "change of use of 5 parking spaces to hand car wash area. The 5 spaces will still be available for shoppers to park, as there will not be any construction on the parking spaces. This is not a drive thru or mechanical car wash, but hand car wash".
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### Decision

1. The appeal is allowed. Planning permission is granted for the change of use of 5 parking spaces to hand car wash area at Car Park Area, Crown Glass Shopping Centre, Nailsea, North Somerset BS48 1RD, in accordance with the terms of the application Ref 16/P/2225/F, dated 21 June 2016, and the site location plan titled 'Car Park, Crown Glass', subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) Development shall not commence until surface water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
  - 3) No site clearance, preparatory work, or development shall take place until a scheme for the protection of the existing trees, hedges, and shrubs during the drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include a working methods statement. The scheme shall be carried out as approved.
  - 4) The use hereby permitted shall only take place between the following hours:
    - Mondays to Saturdays 08:00 – 18:00 hours; and
    - Sundays and Bank Holidays 10:30 – 17:00 hours.

### Procedural matter

2. The Council altered the appellant's description of development, adopting a truncated version. As this succinctly describes the development proposed I have also used it in my formal decision.

### Main Issue

3. The main issue in this appeal is the effect of the development on the parking spaces available for town centre users.
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## **Reasons**

4. The appeal site relates to five parking spaces within the car park at the Crown Glass Shopping Centre. Users of the car wash are likely to do so as part of a linked trip to the shopping centre and other nearby town centre uses. Therefore the users would have sought a parking space in or around the town centre regardless of the presence of the proposed car wash. However the key concern relates to a situation where the car park is busy, but the car wash was not in high demand, thus leaving several spaces unused that could otherwise be occupied. It is unlikely that the operator would relinquish spaces to car park users not seeking to use the car wash facility, as it would reduce the potential for business in the following period of time.
5. There is evidence that, at times, there is a high demand for parking. My site visit, although only a snapshot in time, confirmed the car park was well used although several spaces were available. In most circumstances, this high demand is likely to also coincide with higher demand for the car wash facility, reducing the likelihood of vacancies in the car wash bays. Given its convenient proximity, it appears that the car park is also used by those visiting nearby community, religious, and medical facilities. However the users of those facilities could also take the opportunity to use the proposed car wash, thereby using one of the associated spaces.
6. There are a number of other car parks and short stay parking bays in and around the town centre. These provide a number of alternative parking options, all conveniently located to allow access to the town centre uses and other facilities, including by people advanced in years or with limited mobility. I am satisfied that a small number of vacant car wash bays at peak times would not increase on-street parking to an extent where harm would arise to the character of the area, highway safety, or the effective operation of the surrounding highway network. Thus there is no conflict with Policies DM28 and DM29 of the North Somerset Council Development Management Policies, Sites and Policies Plan, Part 1, Adopted July 2016 (the Sites and Policies Plan).
7. I am aware of the housing growth proposed for Nailsea over the coming years, much of which is likely to be located some distance from the town centre, and that applications have been made to convert some town centre premises to dwellings. I also recognise that some currently empty shops may come back into use. However, taking account of the very small proportion of overall parking spaces that would be used for the car wash, and the remaining opportunity for these to be used by users of the town centre, these factors do not persuade me that the appeal should be dismissed.
8. I conclude on this main issue that the development would not have a detrimental effect on the parking spaces available for town centre users.

## *Other matters*

9. In addition to the lack of any conflict with the development plan, the proposal would bring about some economic benefits and some social and environmental benefits from linked trips to utilise the car wash and other town centre uses. I therefore consider that there would not be a detrimental effect on the vitality and viability of the town centre.

10. The Council considers the development does not amount to a community benefit; citing conflict with Policy DM29 of the Sites and Policies Plan. However, there is only conflict with this policy where there is harm from the loss of parking spaces. For the above reasons, I have not found this to be the case.
11. I have no evidence to show that an increased risk of damage to vehicles, an impact on adjoining spaces, overspray, the use of detergents, risk of ice, the provision of water, inappropriate use of disabled bays, idling vehicles, or disruption or confusion caused by vehicles waiting would be significant issues. It has been suggested that the car park is used by commuters, however I noted there is a maximum permitted stay of only three hours. I also have no evidence to suggest the facility would appear untidy, or that additional structures and rest facilities will be required.
12. There is a perceived availability of alternative sites and alternative approaches to the operation of the business, and I note that other car wash facilities operate in the town. However, I must consider the proposal on its substantive planning merits and these alternatives do not persuade me that the appeal should fail, nor is the location of the businesses' head office decisive. The concerns about the payment of rent, rates, and the status of the employees do not have a material bearing on my planning judgement.
13. Reference has been made to an application for a supermarket in the locality where the effect on parking was an issue. I do not have any details of that proposal, however it is clearly of a much larger scale than the appeal scheme.

### **Conditions**

14. A scheme of surface water drainage is necessary to prevent run-off on to adjoining land. It is not sufficient to rely on the local water company being satisfied that the drainage scheme is acceptable, as this will not ensure that the scheme is actually provided. Due to the nature of the use, these works must be carried out before the use commences. The indicative route for the drainage is shown to cross areas that contain trees and shrubs. To ensure this landscaping is protected a condition is necessary to secure appropriate protection and working practices. To be effective these details must be approved before any works for the drainage starts.
15. A number of residential properties are located relatively close to the site, but limiting the hours of operation would adequately mitigate unacceptable noise impacts to residents. There are minor variations in the exact timings in the various suggested conditions within the appeal documentation. The longest of these will still reasonably protect local residents as they align with normal working hours, and I consider it reasonable that slightly shorter operating hours are imposed on Sundays and Bank Holidays. However, given the distance to residential properties and the operating hours condition, it is not necessary to prevent the use of power driven machinery by condition. The demand for parking is likely to be lower outside of the operating hours; therefore it is not necessary for a condition to ensure the spaces are available for general parking at these times.
16. As the development is for a change of use, and no substantive details are shown on the plans, it is not necessary to impose a condition requiring the development be carried out in accordance with the plans. Similarly the Design and Access Statement, equipment information, and covering letter do not

provide any details that need to be secured to make the development acceptable. It is also not necessary to directly reference the Wessex Water Plan, or the drainage details submitted by the appellant in a condition as condition 2 adequately deals with drainage.

17. A change of use is a form of development and, for the above reasons, the imposed conditions are necessary. Dealing with matters controlled by condition is a normal function of the Council, and I have no reason to believe it will seek to delay progressing these matters. I have amended the wording of the suggested conditions for clarity and to meet the tests in the National Planning Policy Framework.

### **Conclusion**

18. For the above reasons, and having regard to all other matters raised, I consider that the development accords with the development plan when considered as a whole. I conclude that the appeal should be allowed.

*K Taylor*

INSPECTOR