
Appeal Decision

Site visit made on 7 November 2017

by Rory MacLeod BA MRTPI

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

Decision date: 23 January 2018

Appeal Ref: APP/Q3820/W/17/3180001

**Northgate Garage, Woodfield Road, Northgate, Crawley, West Sussex
RH10 8EP**

- 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 Karan Retail Ltd against the decision of Crawley Borough Council.
 - The application Ref CR/2016/0979/FUL, dated 22 November 2016, was approved on 7 April 2017 and planning permission was granted subject to conditions.
 - The development permitted is change of use to form hand car wash, formation of new acoustic barrier to boundary wall.
 - The condition in dispute is No 4 which states that: The hand car wash shall only be operated between the hours of 08.00 am and 19.00 pm Monday to Friday and 9.00 am to 16.00 pm on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays without the prior written consent of the Local Planning Authority.
 - The reason given for the condition is: In the interests of residential amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
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Decision

1. The appeal is allowed and planning permission CR/2016/0979/FUL for the change of use to form hand car wash, formation of new acoustic barrier to boundary wall at Northgate Garage, Woodfield Road, Northgate, Crawley, West Sussex RH10 8EP granted on 7 April 2017 by Crawley Borough Council, is varied, by deleting condition No.4 and substituting for it the following condition:

"The hand car wash use hereby permitted shall only take place between the following hours:

08.00 am to 19.00 pm Mondays to Saturdays, and

09.00 am to 16.00 pm on Sundays, Bank Holidays and Public Holidays."

Main Issue

2. The main issue is the effect varying the opening hours of the car wash would have on the living conditions of the occupiers of nearby residential properties, with particular reference to noise and disturbance.

Reasons

3. The appeal site comprises a single storey drive through building fronting Northgate Place and an open yard behind this. It is located to the rear of a

petrol filling station fronting Woodfield Road. To the east of the site is a single storey building used as a shop for the filling station and as a tyre fitting unit. To the west of the site are open land and buildings used for car sales and MOT testing. On the opposite side of Northgate Place are the service yards to shop units in Northgate Parade with flats above these. There are residential areas to the north of the site and to the east of Woodfield Road.

4. Planning permission has been granted for the use of the site as a hand car wash and the construction of an acoustic barrier adjacent to the rear boundary with the houses at 3 and 4 Woodfield Close. Condition 4 to the permission limits the hours of operation of the approved use to shorter hours on Saturdays and no use on Sundays, Bank Holidays and Public Holidays in the interests of residential amenity. The appellant requests that the business be allowed to operate in line with the original hours submitted as part of the application, 0800 to 1900, Monday through to Sunday.
5. The permission includes several other conditions to contain and control noise emanating from vacuum cleaners and jet washers used to supplement hand washing as part of the approved use. Compliance with these conditions should ensure that there would be no significant adverse effect on the living conditions of residents living near to the site during normal working hours. Condition 4 seeks to prevent the approved use from operating at times when the surrounding residential environment is typically quieter.
6. At the time of my visit, the site formed part of a bustling commercial environment. The jet washers and vacuum cleaners were in use but from locations surrounding the site were not particularly noticeable above the noise arising from steady traffic levels along Woodfield Road, the stream of customers using the petrol filling station, the use of compressed air equipment at the tyre fitting bay and from extract fans serving shop units in Northgate Parade. Against these background noise levels there did not appear to be a noticeable impact on the residential environment in the wider area arising from activities at the appeal site.
7. The shop to the petrol filling station is advertised as being open 6am to 11pm seven days a week. There are shop units and eating establishments in Northgate Parade that would also be likely to attract customers during evening hours and on Sundays and to generate traffic. The data submitted by the appellant of the number of vehicles serviced by the hand car wash during the calendar month of May 2017 shows that Saturdays and Sundays are the busiest days of the week. These factors indicate that the bustling environment I witnessed continues on Saturdays and Sundays. Accordingly, some relaxation of the present opening restrictions could take place without a material impact on the wider residential environment.
8. However, the volumes of through traffic along Woodfield Road and the intensity of movement and activity in the area surrounding the site would be likely to diminish during the latter hours of each day. By degree the noise and general activity associated with the hand car wash would become more perceptible and intrusive, notwithstanding the measures set in place by other planning conditions.
9. My conclusions are that it would be appropriate to permit opening hours on Saturdays to the same extent as currently permitted on Mondays to Fridays and to apply the restricted hours currently applied to Saturdays, 9.00 am to

16.00 pm, to operations at the site on Sundays, Bank Holidays and Public Holidays. These are shorter opening hours than those sought by the appellant but I consider that such a condition is necessary and reasonable to safeguard the impact of the use on residential amenity at later times of each day. In reaching these findings, I have also had regard to the representations submitted to the Council on the application and in respect of this appeal.

10. Policies CH3, EC8 and ENV11 of the Crawley Borough Local Plan 2015-2030 amongst other matters seek to ensure that development does not cause unreasonable harm to the amenity of the surrounding area by way of general activity and noise, and that people's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Given the background noise and activity level generally prevalent close to the site at the times I propose to allow longer operating hours, there would not be conflict with these policies.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed but only in respect of extending operating hours on Saturdays to the same limitations as on weekdays and to enable shorter operating hours on Sundays, Bank Holidays and Public Holidays. As a result, I shall vary the planning permission by deleting the disputed condition and substituting another as set out in the formal decision.

Rory MacLeod

INSPECTOR