



Appeal Decision

Site visit made on 9 January 2018

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 7 March 2018

Appeal Ref: APP/R0660/W/17/3186936

Kings Arms Service Station, Alderley Road, Wilmslow SK9 1PZ

- 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 Isa Dajci against the decision of Cheshire East Council.
 - The application Ref 16/5610M, dated 17 November 2016, was refused by notice dated 13 July 2017.
 - The development proposed is change in use of land from former petrol station to a hand car wash and valet business with associated single-storey building and canopy.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes the decision issued on 1 February 2018.

Decision

1. The appeal is allowed and planning permission is granted for change in use of land from former petrol station to a hand car wash and valet business with associated single-storey building and canopy at Kings Arms Service Station, Alderley Road, Wilmslow SK9 1PZ in accordance with the terms of the application, Ref 16/5610M, dated 17 November 2016, subject to the conditions attached to this decision.

Application for costs

2. An application for costs was made by Mr Dajci against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was refused against the recommendation of the Council's officers and no statement of case was submitted by the Council in accordance with the required timescales.
4. The reasons for refusal refer to policies in the Macclesfield Borough Local Plan 2004 which have now been superseded by policies in the Cheshire East Local Plan Strategy (CELPS), adopted in July 2017. I have considered the appeal with reference to the CELPS policies which are also cited in the decision notice.

Main Issues

5. The main issues are the effects on the character and appearance of the area in this section of Alderley Road and on highway safety.

Reasons

Character and appearance

6. The appeal relates to a vacant site formerly used as a petrol station located on a main route into Wilmslow town centre. The wider area is predominantly residential in character. However, the appeal site forms part of a small enclave of commercial premises and sites of a type typically found at a major junction on the approach to a town centre. These include a public house, restaurant and a building supplies premises and yard. The residential properties to the east back onto Alderley Road and are mostly screened from view by fences and well established vegetation to their rear boundaries. It is the commercial uses that are prominent in view on the approach to the roundabout and which largely define the character of this section of Alderley Road.
7. The use of the site as a car wash and valeting business would not be out of place given its planning history and the nature of the adjacent land uses. The operations involved in the car wash and valeting business would not be identical to those associated with the site's former use. However, neither those operations nor the nature or volume of vehicle movements generated would be such as to have a significant adverse effect on the overall character of the area. The site has an extensive road frontage and is prominent in views on the approach to the Kings Arms roundabout. Its redevelopment and re-use would be of positive benefit in removing the adverse effect that the vacant site currently has on the appearance of this section of the road.
8. The single-storey building proposed would have a modest footprint and a flat roof with a maximum height of around 3 metres (m). Due to its design and its siting in the north west corner of the site, abutting the existing boundary wall, it would not be prominent in views from outside of the site and would have no significant effect on the street scene. The canopy would be similar in appearance to those commonly found on petrol station forecourts and, I understand, to that which was formerly present on the site. It would be about 5m high but would not be a bulky structure and would be seen against the background of the large buildings and stacks of building materials within the Travis Perkins yard. The overspray screen would extend across less than one third of the frontage to Alderley Road and would be a lightweight and translucent structure.
9. None of the proposed buildings or structures would be inappropriate in the context of the surrounding uses when seen from Alderley Road. From Knutsford Road and from residential properties on Donkey Lane they would largely be screened by the intervening buildings and stored materials on the Travis Perkins site. There would, accordingly, be no material effect on the character or appearance of these streets or of the wider area of Fulshaw Park.
10. Accordingly, I find that no conflict would arise with CELPS Policy SE 1 which seeks the protection and enhancement of the existing character of sites and their surroundings. The proposal is consistent with Policy SE 2 which states that the Council will encourage the redevelopment of previously developed land and requires that proposals for such redevelopment should consider the character of the surrounding area.

Highway safety

11. The assessment of the likely level of usage of the site has been informed by TRICS¹ data and a survey carried out at a similar car wash and valeting site over 2 days, including a Saturday. That survey showed a maximum of 3 vehicles queuing within the site at the busiest times and no queueing on the highway at any time. I see no reason to assume that the appeal proposal would attract a significantly higher level of usage but, in any event, it would incorporate 6 parking bays for waiting customers in addition to the 'stacking' capacity within the site entrance.
12. Based on this evidence there would be limited risk of vehicles queuing on the public highway to access the site. I also accept the appellant's argument that car wash facilities are, to some extent, self-regulating in that, if customers see a long queue, they would be likely either to go to a different facility or come back at a quieter time. If some queuing on the highway was to occur Alderley Road is wide enough for waiting vehicles to be accommodated without impeding the flow of through traffic. There would also be adequate forward visibility for drivers of vehicles approaching from the south to be aware of any stationary traffic.
13. The proposed access arrangements have been found by the Council's Strategic Infrastructure Manager (SIM) to be acceptable in safety terms and I consider that the nature and level of vehicle movements into and out of the site would not cause significant risks to cyclists or to pedestrians using the footway. I note that the bus stop is used by school children and other users but, given its location roughly midway between the proposed vehicle entrance and exit points and the generous width of the footway, I do not consider that the proposal would lead to a significant risk to the safety of those using the bus stop. The overspray screen would protect pedestrians and those waiting at the bus stop from spray so that they could continue to use the full width of the footway along this section of the road.
14. I consider that the 'severity test' set out in paragraph 32 of the National Planning Policy Framework (Framework) is relevant to highway capacity and congestion rather than safety considerations. Nevertheless, I have no evidence that the proposal would result in a material risk to the safety of users of the highway and find no conflict with the Framework in this respect.

Other Matters

15. A number of objectors have raised concerns about the likely effects on congestion and the flow of traffic. As the site has been cleared of the structures and storage tanks associated with its former use that use could not be resurrected without a new planning permission. Any comparison with the traffic associated with that former use is, therefore, of limited assistance. However, the transport assessment demonstrates that the additional traffic generated by the proposal would be of a relatively modest level and I have no reason to question the SIM's conclusion that this could safely be accommodated on the local highway network. It seems unlikely that many drivers would seek to perform a right turn out of the site when they would have the much easier option of using the roundabout to return southbound on Alderley Road. I do not perceive this as a significant safety risk.

¹ Industry standard database for predicting traffic generation for various types of development

16. The Noise Impact Assessment (NIA) shows that the noise generated by the site operations is likely to be below existing background levels. In light of this prediction, the considerable separation distance between the site and the nearest residential properties, and that those properties are screened by rear boundary walls and fences of around 2m in height, I find that the occupiers of those properties would not be likely to suffer unacceptable levels of noise or disturbance. I am satisfied that the NIA sets out a fair assessment of the likely noise effects and that the noise mitigation measures and restriction of trading hours proposed by the appellant could be secured through appropriately worded planning conditions.
17. Some objectors have expressed concerns about the possible effect on the outside seating area at the Kings Arms. However, this is sited close to the busy main road and roundabout and I have seen no evidence that the proposal would be likely to give rise to any material increase in noise levels in that area. As the former petrol storage tanks have been removed and the site has been remediated any residual risk of ground contamination could satisfactorily be dealt with in a planning condition. The risk of pollution of the surface water sewers could also be controlled by means of an appropriately worded condition.

Conditions

18. I have taken those conditions identified in the officer report and internal consultation responses as setting out the scope of conditions considered necessary by the Council. I have also had regard to comments made in the appellants' statement and correspondence as to the conditions which would be acceptable to him. In the absence of a full set of draft conditions I have adopted PINS standard wordings as far as practicable.
19. In the interests of certainty and ensuring a satisfactory standard of development a condition is needed to tie the planning permission to the details and specifications shown on the approved plans. For the same reason a condition has been attached which requires that the external materials should be as specified on those plans. In order to provide the necessary mitigation in relation to noise a condition is needed to require the development to be carried out in strict accordance with the recommendations set out in the NIA and with a number of specific requirements in that report.
20. Although the site has been remediated it seems that the Environment Agency has not received the necessary verification report. In this context, and given the past use of the site, a condition is needed which sets out what steps should be taken in the event that any contamination not previously identified is found during the construction works. To minimise the risk of pollution and to ensure a sustainable development a condition has been attached which requires that a surface water drainage system incorporating sustainable drainage measures be implemented prior to the commencement of new use.
21. I have attached a condition which requires that the overspray screen should be installed before the use is commenced to protect pedestrians and provide noise mitigation. To protect the living conditions of nearby residents and the visual amenity of the local area I have also attached a condition requiring that details of any external lighting on the site should be submitted and approved in advance.

22. As the likely traffic and noise effects have been assessed on the basis that the facilities are used by cars and light goods vehicles only it is appropriate that a condition be attached to restrict the premises to such use. Similarly, as the NIA did not assess the likely effects of operating the site in the evenings or on Sundays or Bank Holidays, a condition has been attached to limit the hours of operations. This is needed to protect the living conditions of nearby residents.

Conclusions

23. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Paul Singleton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans:
Site Location and Red Line Plan
SCP/16425/SK01 - Proposed Site Layout
SCP/16425/ATRO3 - Left Flank Elevations
SCP/16425/ATRO4 - Front and Right Flank Elevations and Glass Panel
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as indicated on the approved plans.
- 4) The development shall be carried out in accordance with the recommendations set out paragraph 4.12 of the Hepworth Acoustics Noise Impact Assessment Report dated November 2016. The operation of the premises shall at all times comply with those recommendations and with the following specific requirements:
 - (i) Power wash pumps must be installed within the proposed building and the external doors to that building should be closed when the pumps are in use;
 - (ii) No car radios/music systems or other music systems shall be used on the site;
 - (iii) Any vacuum equipment used on the site must have a sound power level no greater than that of the NIA (Nilfisk Attix 50-01 PC VLT).
- 5) If any contamination that was not previously identified is found to be present during the construction of the development it shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment, including an assessment of the nature and extent of contamination and the proposed means of remediating the land to an acceptable condition, shall be carried out and submitted to the local planning authority for approval in writing. Remediation shall subsequently be carried out in accordance with the approved details and a verification report, prepared by a suitably qualified contaminated land practitioner, shall be submitted to and approved in writing by the local planning authority before the use hereby permitted is commenced.
- 6) No building hereby permitted shall be occupied and the use of the site shall not be commenced until surface water drainage works have been implemented in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the non-statutory Technical Standards for Sustainable Drainage 2015 or any subsequent replacement national technical standards. In the event that surface water is to be discharged to the public surface water sewer the pass forward flow rate of discharge shall not exceed 5 litres per second.

- 7) The use of site as a car wash shall not commence until the construction of the plastic screen to the roadside boundary of the site has been completed in accordance with the approved plans and the specification in paragraph 4.12 of the Hepworth Acoustics Noise Impact Assessment Report dated November 2016.
- 8) No external lighting shall be installed on the site until full details and specifications of such lighting have been submitted and approved in writing by the local planning authority. Development shall subsequently be carried out in accordance with the approved details.
- 9) The premises are to be used for washing and valeting cars and light goods vehicles only and for no other purpose.
- 10) The premises shall not be open for business and no washing or valeting equipment shall be operated at the site outside the hours of 0900 to 1800 Mondays to Saturdays or at any time on Sundays or Bank Holidays.