
Appeal Decision

Site visit made on 17 March 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/R0335/W/19/3242745

Brian and Turner Haulage, Eastern Road, Bracknell RG12 2UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pervana against Bracknell Forest Borough Council.
 - The application Ref 19/00178/FUL, is dated 22 February 2019.
 - The development proposed is the change of use B2 to B1c Car Wash and Valeting Unit.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matter

2. The appeal is against the non-determination of a planning application by the Council. The Council has not indicated what the reasons for refusal would have been, had it turned down the planning application, but at the committee meeting for the application, it was resolved that further information be requested about the development's noise levels and that site testing be undertaken. Having regard to this and third party representations, the main issue is assessed as set out below.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of residential properties and a school, having regard to noise and disturbance.

Reasons

4. The appeal site comprises a former haulage site on Eastern Road which has a policy designation as an Employment Area under the Council's Core Strategy Development Plan Document 2008. Alongside the site, there is an access road leading to industrial units. Opposite the site, there is a block of flats at Foundation House which have frontage balconies and other openings facing the site. There is a planning permission for further flats at Racal House, diagonally opposite the site. There is also a special needs school located immediately adjacent to the site at The Rise.
5. The proposal would result in the change of use of land to a car wash facility. The main noise sources would be from the water impact of the washing/rinsing of vehicles through the application of the jet washes, the use of vacuuming

- equipment and the running of the associated mechanical and motorised parts of the machinery. In relation to an existing building on the site, vehicle jet washing/rinsing would take place to the rear whilst vacuuming would take place within it. The main mechanical engine and motor parts powering the equipment would also be located within the building.
6. This building would be approximately 25m from Foundation House at its closest point whilst the hardstanding area to the rear of the building would be approximately 34m. In relation to Racal House, the activities and mechanical and engine parts would be further away. It would also be located approximately 14m away from the flank wall common boundary with the neighbouring school. Between the school building and this boundary wall, there is a car park serving this facility.
 7. Operational layout and circulation plans show a maximum output of 6-7 cars per hour and the appellant indicates an average output of 4 cars per hour would take place. Operations would take place between 08.00 and 18.00 hours Monday to Saturdays and 10:00 and 16:00 hours Sundays and Bank holidays.
 8. The appellant's Noise Acoustic Report (NAR) (WBM Acoustic Consultants, 10 May 2019) has assessed the rating level, the specific sound level noise for the proposed activities, taking into account an adjustment for the characteristics of the noise, and measured background sound levels on the site. Background sound levels have been taken during the Easter school holidays, which is a time of low activity and noise. Even if the number of car wash operations per hour was 7, the NAR indicates no resulting adverse impact, with rating levels shown not to be greater than the background sound levels for the receptors at Foundation House and Racal House.
 9. The NAR report assumes a 5 minute time period for the washing, rinsing and vacuuming of a car which would indicate a greater maximum output than 7 cars per hour. Inevitably, the facility would not operate with car washing, rinsing and vacuuming taking place all the time. The appellant has confirmed that the maximum upper output limit is due to the size and location of the site. Experience and knowledge of operating another facility has informed this view. In their dealings, the Council's Environmental Health Department has also not disputed the output figures given. Eastern road is also used by vehicles associated with the industrial estate along and behind it.
 10. Nevertheless, the NAR assumes a significant period of time within the hour period when no car washing/rinsing and vacuuming activity would take place. Despite the existence of another facility, there is little empirical evidence to support the appellant's views on output, particularly at sensitive times (for nearby residents) on Saturdays and Sundays. In response to background sound levels taken not being representative, the appellant has indicated that such levels would have to be at least 5dB lower for there to be an adverse impact, assuming an output of 7 vehicles per hour. However, output could be considerably greater than this at busy times, for instance at weekends, and it is unclear whether the 'leeway' of 5dB would be sufficient to take account of both this and weekend background sound levels. In summary, it has not been demonstrated that there would be acceptable living conditions for nearby residents and school pupils.
 11. The Class B2 (General Industrial) use of the site and the previous use of the site as a haulage vehicle repair and maintenance depot has also not been

disputed. The Council has confirmed that there are no conditions to restrict such uses on the site. However, there is no evidence of a greater than theoretical possibility that such developments would take place if the appeal proposal was rejected and there could be other business and industrial uses that could operate, subject to planning permission being granted, within this site due to its location within an industrial estate. Consequently, the weight to be attached to the fallback position would be small and would not outweigh the unacceptability of the car wash facility based on the evidence before me.

12. For all these reasons, the development would result in adverse noise pollution to residents and school pupil living conditions on the balance of evidence before me. Accordingly, the proposal would conflict with policies E4, EN20 and EN25 of the Bracknell Forest Local Plan 2002.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Jonathon Parsons

INSPECTOR

