



Appeal Decision

Site visit made on 10 January 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/R0660/W/21/3271696

Congleton Autos, Newcastle Road, Congleton, Cheshire, CW12 4JX

- 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 S Isa against the decision of Cheshire East Council.
 - The application Ref 20/3338C, dated 31 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is the change of use to mixed use comprising MOT station, car repairs and hand car wash.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

3. The appeal site is currently used for vehicles sales, repairs and MOTs. It contains a number of buildings, a canopy and areas of hardstanding all of which would be retained. At the time of my site visit, the building used for vehicle repairs/MOT was in use, and the northern part of the site was being used for car sales.
4. The wider area is predominantly residential. Immediately to the north of the site lie the rear gardens of properties on Padgbury Close, whilst to the south, across a private access track, is the rear garden of Marsh House. The rear elevations of these houses, particularly the 3 storey Marsh House, have a number of windows that directly face the site.
5. Although the appellant has stated that they are unsure whether there are any conditions on the original planning permissions for the current uses that control hours of operation, both the Council and third parties indicate that a condition does restrict the hours of operation to 08:00 to 18:00 hours on weekdays and 08:00 to 13:00 hours on a Saturday. This appeared to be accepted by the appellant in a previous appeal¹ on the site.
6. The proposal seeks to change the use of the site by removing the car sales and replacing it with a hand car wash and valeting facility. The former taking place under the existing canopy whilst the valeting would take place under a new

¹ Appeal Reference APP/R0660/W/19/3220120

canopy proposed along part of the common boundary with the rear garden of No 2 Padgbury Close.

7. The site has been subject to two previous appeals² for a similar proposal both of which have been dismissed due to concerns over its impact on the living conditions of nearby residents as a result of noise and disturbance from the proposed car wash.
8. The appellant has indicated that the current proposal differs from the previous schemes in that before there was room for 3 cars to be washed at once whereas this is now restricted to 2. In addition, it is now proposed to house the motorised pump for the pressure washers within a building and provide more extensive noise barriers.
9. There is no evidence to indicate that the existing uses cause any unacceptable noise and disturbance issues. Work related to car repairs / MOTs take place within a building which helps to contain noise. Moreover, these uses only attract a limited number of vehicular movements to and from the site in any one day. Similarly, noise associated with car sales is limited.
10. The proposed use would significantly intensify the use of the site, creating a much larger number of vehicular movements to and from the site every day, and it would generate far more noise than the use it would replace. It would also operate 7 days a week.
11. The proposal was accompanied by a Noise Impact Assessment (NIA), which was undertaken in accordance with BS4142:2014. This was carried out over a period of several days that included a weekend when background noise was likely to be lowest. It indicates that the main background noise in the area is currently traffic noise, which concurs with what I observed at my site visit. The assessment found that noise from the proposed use would fall below the typical background sound climate, and that there was no need for additional mitigation measures over and above what has already been included within the site.
12. However, the assessment is based on an averaged noise level for the operational activity taking into account all the noise levels over an hour, and which includes a correction factor that takes account of tonality, impulsivity, intermittency and other sound characteristics. The report shows that noisier activities, such as the jet washers and vacuuming, would create noise levels significantly greater than the background noise levels. As a result, they would be audible above this at the surrounding properties. Such noise may only be relatively short lived, but I consider that frequent intermittent short bursts of noise would be much more disturbing than the more constant hum of traffic on the road, which forms the current background noise environment. The noise and disturbance they would create for nearby residents would be particularly noticeable in the summer months when windows would be more likely to be open and gardens used more extensively.
13. The NIA focuses on operational noise from the car washing and valeting process. However, alongside this, noise and disturbance would be created by car radios/ sound systems, the shutting of car doors and conversations between operatives and between operatives and customers, which would all add to the noise emanating from the site. To limit waiting traffic it is proposed

² Appeal References APP/R0660/W/19/3220120 and APP/R0660/W/19/3238558

to have signs that indicate when the car wash is at capacity. Nonetheless, the appellant's highways statement indicates that the site could accommodate 2 queues of traffic and 8 cars, whose idling engines and radios could create significant levels of noise. Even if only one queue was allowed, cars could still be queuing on the site for some time. Music in waiting cars could be very intrusive, especially for the occupiers of Marsh House, which is located closest to where the queue would form. The operators of the site would not be able to control this.

14. Furthermore, the proposed screens would not provide any mitigation for the upper floors of the adjacent properties, particularly the 3 storey Marsh House. This property has a number of upper floor windows that directly face the site, some of which, due to the age of the property are only single glazed. Some of these windows serve rooms that are used for purposes that could be used extensively during the daytime.
15. The proposed use would be likely to be busiest at the weekends and so the noise from the proposed use would be greatest at times when the site is currently non-operational. It also corresponds to the times when residents are most likely to be at home and wanting to enjoy their homes and gardens. Moreover, the 7 day a week operation would give little respite for nearby occupiers from the noise and disturbance.
16. Thus, notwithstanding the conclusion of the noise assessment, I consider that the proposal would have an unacceptable impact on the living conditions of nearby residents with particular regard to noise and disturbance. It would therefore be contrary to Policy GR6 of the Congleton Borough Local Plan First Review (adopted Jan 2005) and Policy SD2 of the Cheshire East Local Plan Strategy (adopted July 2017) which seek to ensure that developments integrate into the area and do not have an unduly detrimental impact on the amenity of the occupiers of nearby residential properties.

Other Matters

17. It is stated that the proposal would create 4 full time and 2 part time jobs. This together with the construction of the proposed facility would bring some benefits to the local economy. However, I consider that this benefit would not outweigh the harm I have identified it would cause.
18. Whilst it is also suggested that the proposal would enable the hours of operation of the site to be controlled, as previously highlighted the Council and third parties state that these are already controlled by a condition and this was not disputed by the appellant in the earlier appeal. As such, I give this no weight.

Conclusion

19. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR