



Appeal Decision

Site visit made on 16 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/D0121/W/22/3294354

165 Locking Road, Weston-Super-Mare, BS23 3HE

- 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 John Gillard against the decision of North Somerset Council.
 - The application Ref 21/P/2128/FUL, dated 22 July 2021, was refused by notice dated 9 February 2022.
 - The development proposed is described as "Change of use for mixed use car sales and car wash/valeting. Detailed application for the current use of the site to be scaled down to support dedicated enclosed wash bay, application seeks to provide specifications that comply with current EA/SEPA and sections of the Water industry Act 1991."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice states that the appeal scheme is retrospective. During my site visit I noted that the site was being used for car sales and as a car wash, however the physical alterations to the layout had not occurred.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of nearby occupiers, with regard to noise and disturbance; the character and appearance of the area; and highway safety.

Reasons

4. The appeal site is located on the corner of Locking Road and Mendip Road. The area is predominantly residential although there are a number of commercial and retail uses in close proximity to the site, namely a motor home sales and garage site opposite on Locking Road, and a take away opposite the site on Mendip Road. Adjoining the site to the north are two residential dwellings and to the east is Roedean Hotel. Locking Road is a main road through Weston-Super-Mare and therefore traffic passes the site regularly. There is a bus stop to the front of and opposite the appeal site.

Living Conditions

5. The current operation comprises a car wash area utilising high pressure hose with pumps/compressors adjacent to residential dwellings on Mendip Road; a car valeting area, a used car sales area, parking area, and an office. This current use is unauthorised and the proposed development seeks to regularise the use, reconfigure the site and provide environmental improvements.

6. In respect of noise and disturbance, the main potential source of this is from the car wash area and in particular the use of a high pressure water spray hitting the vehicles. The proposed development would provide a fully enclosed car wash bay in the centre of the site, a fairly short distance away from the boundary with Roedean Hotel.
7. At the time of my visit during the late morning, I observed that Locking Road where it passes the site is a busy route with significant traffic flows in both directions including HGV's and buses. The prevailing noise environment that exists for residential properties along Locking Road and nearby side streets is, therefore, heavily influenced by traffic noise, which was evident along the frontage of properties close to the appeal site. When taking account of the traffic along Locking Road, it is reasonable that there would be traffic noise for much of the day, including early mornings and late into evenings.
8. A Noise Impact Assessment Report and two updated versions have been submitted in support of the proposed development. Measurements were taken at the nearest sensitive receptors on Mendip Road and (No's 4 and 4A) and on Locking Road (Roedean Hotel) with the lowest background noise level being 51dB L_{A90}. The reports note that, with the car wash in operation, that noise levels would be up to 74dB at Roedean Hotel and 64dB at No's 4 and 4A. This indicates that there is between a 13dB and 23dB increase in existing noise levels when the car wash is in operation.
9. The Council's Environmental Protection Team state that BS4142:2014+ A1 2019 requires that a difference of around +10dB or more above background noise level is likely to be an indication of a significant adverse impact. In order to mitigate the noise impacts the appellant proposes the installation of an enclosure that would reduce the noise levels by 21dB and the construction of a 3 metre wall along the rear boundary that would reduce noise levels by 7dB. However, no technical information is provided within the reports detailing the assumptions made or calculations on the proposed materials to mitigate the noise levels.
10. The concerns of the Council's Environmental Protection over the efficacy of the noise mitigating measures proposed appear soundly based. I cannot, therefore, be reasonably satisfied that these measures would acceptably mitigate the noise generated by the activity to acceptable levels. The appellant suggests that any concerns in this respect could be addressed by requiring a planning condition. However, as I have insufficient evidence that an acceptable plan could be secured, such a condition would be unreasonable.
11. There is some dispute between the appellant and the Council regarding the potential lawful operation of the site. The appellant asserts that the previous permission¹ at the site for a petrol filling station and sale of light commercial vehicles could operate daily from 06:00 to 24:00.
12. The Council have provided me with a copy of the relevant decision notice, and whilst it appears that a petrol station could operate under those hours a further permission was granted in 1999² for the change of use of the site to sales of light commercial vehicles. This permission had the hours restricted to 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sunday. Evidence in the

¹ 95/0810

² 99/P/219/F

form of photographs appear to demonstrate that this permission was implemented and I note that the appellant has not sought to argue against this evidence. As such, I afford the previous consent with the extended hours limited weight.

13. From the evidence before me, I find that the proposed development would have a harmful effect on the living conditions of occupiers of neighbouring properties in regard to noise. The proposal would be contrary to Policy CS3 of the North Somerset Core Strategy (2017) (CS) and Policy DM47 of the North Somerset Council Development Management Policies (2016) (DMP) which seek, amongst other things, to ensure that developments do not lead to unacceptable adverse harm on the living conditions of existing residents and mitigate adverse effects to an acceptable level. It would also be contrary to paragraph 185 of the National Planning Policy Framework (the Framework) which seeks development that mitigates and reduces to a minimum the potential adverse impacts resulting from noise

Character and Appearance

14. As noted above the area is predominantly residential with some commercial and retail uses nearby. The area is largely characterised by short terraces and semi-detached dwellings set back from the road behind parking areas and pavements. Low walls finished in stone or decorative blockwork are the prevalent boundary treatment to residential properties. In contrast the appeal site is bound by a 2 metre timber fence to the rear and side and wire fencing along its frontage with both Locking and Mendip Road. The motorhome site opposite is bound by a 1.8 metre palisade fencing.
15. In this case, a 3.1 metre galvanised steel wall would be constructed to provide barrier attenuation and reduce noise impacts. Whilst it would match the height of the existing office building it would stretch across the whole width of the site. This would appear incongruous and unsympathetic to the scale and height of the original fence and the generally shorter boundary treatments that characterise the surrounding area. Moreover it would result in a complicated and unattractive boundary treatment to the site.
16. In the light of the above, on this issue I find that the proposed development would have a detrimental impact on the character and appearance of the area. It therefore conflicts with CS Policy CS12 and DMP Policy DM47 which seek, amongst other things, to ensure that developments demonstrate sensitivity to the existing local character and do not harm the character of the area. It would also be contrary to paragraph 130 of the Framework that seeks to ensure that developments are visually attractive and sympathetic to local character.

Highway Safety

17. The Council are concerned regarding the lack of detail pertaining to signage and circulation around the site and the potential for queuing over the pavement and into the highway. The proposed access and egress are from Locking Road which is a heavily trafficked and relatively straight road with minimal on street parking. As such, vehicles moving towards the site and those entering and exiting the access and egress would have good visibility of any oncoming traffic.

18. The Council are concerned that the proposed development only offers the space for 3 cars to queue. There appears to be no guidance provided by the Council relating to queuing space and they appear to largely rely on other examples of car wash facilities in the area that have dual lanes for queuing. I do note however that the submitted plans demonstrate that there would also be 3 parking bays for waiting vehicles, effectively doubling the space for waiting vehicles. The submitted plans demonstrate 3 waiting bays, space for 3 cars to queue along with fifteen other spaces for parking or car sales. I consider that what I saw during my site visit and the submitted plans demonstrate adequate space for the queuing, parking and manoeuvring of vehicles on the plan without detrimentally impacting on vehicular and pedestrian safety.
19. Concerns relating to the lack of signage denoting a one way system within the site could be alleviated through the submission of further information, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
20. For the reasons set out above I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with DMP Policies DM24 and DM28 or the guidance contained within the North Somerset Parking Standards Supplementary Planning Document (2013) which seek, amongst other things, to ensure that developments do not prejudice highway safety and the safe and effective operation of the local transport network. The proposal would also comply with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

21. I have had regard to the benefits noted by the appellant in terms of the provision of 5 full time positions which weights in favour of the application. However, the number of positions would be limited and would not overcome the long standing harms I have identified with regards to the living conditions of neighbouring residents and the character and appearance of the area. I therefore give them limited weight and they do not outweigh the conflict with the development plan when considered as a whole.

Conclusion

22. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR