



Appeal Decision

Site visit made on 14 January 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/R1845/W/24/3344163

**Birmingham Road Service Station, 80 Birmingham Road, Kidderminster
DY10 2SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Thanalingham Iyinkaran against the decision of Wyre Forest District Council.
 - The application Ref is 23/0647/FUL.
 - The development proposed is hand car wash within existing workshop building and proposed car parking.
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Decision

1. The appeal is allowed and planning permission is granted for hand car wash within existing workshop building and proposed car parking at Birmingham Road Service Station, 80 Birmingham Road, Kidderminster DY10 2SR, in accordance with application Ref 23/0647/FUL and subject to the Schedule of Conditions attached to this Decision.

Preliminary Matters

2. As part of the appeal submissions, the appellant has provided a revised access / egress arrangement for the proposed car wash building (Drawing: Proposed Site Layout: 2110-4f). This revised drawing seeks to reverse the flow of vehicles through the car wash building, with vehicles entering the building via the new entrance within the western side elevation and exiting from the existing opening in the southern elevation instead of the arrangement originally proposed. A vehicle swept path drawing for this revised arrangement has also been provided.
3. The revised drawings are intended to address the Council's second reason for refusal but do not alter the overall nature of the proposal for a hand car wash. Also, the Council have commented on the revised drawings. Therefore, I have accepted these in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.
4. The original proposed scheme included an outdoor valet shelter, this was removed during the planning application stage and my Decision reflects this.
5. In reaching my Decision, I have considered the revised version of the National Planning Policy Framework that was published in December 2024 (as amended) ('the Framework') but this does not alter my findings on the main issues.

Main Issues

6. The main issues are:

- i) The effect of the proposal on the living conditions of neighbours with regard to noise and disturbance; and
- ii) The effect of the proposal on highway safety.

Reasons

Living conditions of neighbours

- 7. The workshop building, which was formerly used for vehicle repairs and MOTs would house the proposed car wash. This is a single storey building located to the northern boundary of the appeal site ('the Site') shared with 1 Bruce Road. The east and western areas of the Site are open and were used as parking or vehicle storage associated with the previous use. Four parking spaces are to be provided outside the building. The building would incorporate two jet wash bays.
- 8. With the exception of the Petrol Filling Station ('PFS') to the immediate south, which is located along Birmingham Road (A456), the direct surrounding uses to the Site are residential.
- 9. The Birmingham Road (A456) is a main road into Kidderminster from the east and is heavily trafficked by cars, and larger vehicles such as buses and heavy goods vehicles, even during quieter periods of the day / night, which result in higher ambient noise levels within the vicinity of the Site.
- 10. It has been suggested that the area outside the workshop building was previously a quiet buffer zone between the Site and its neighbours. On the information before me, there are limited controls in respect of the extant use. Therefore, there is no certainty that the vehicle repairs and MOT business would be operated in the same way as it was previously. Indeed, although my visit represents a snapshot in time, I observed that the Site was being used for vehicle related activity and the land surrounding this was occupied by vehicles.
- 11. Even so, because the Site is close to neighbouring dwellings, the proposal has the potential to cause harm to the occupiers of these dwellings through noise and disturbance generated by the proposed use. To this end, a Noise Impact Assessment ('NIA') has been undertaken.
- 12. The NIA includes an assessment of existing sound levels near the appeal site. Then using noise data collected from an existing car wash and valet facility models noise impacts for the proposal having regard to noise sensitive receptors, in this case the nearby dwellings.
- 13. The findings of the NIA are that the daytime typical free-field residual sound level is 62 dB LAeq, 1 hour during the proposed hours of use from Monday to Saturday and 60 dB LAeq, 1 hour on Sundays.
- 14. As part of the NIA, the existing perimeter fence was observed to incorporate gaps and perforations and is not expected to perform as an effective noise barrier. Based on my visit, I concur with this. Therefore, an effective barrier is required to minimise the impact of noise on nearby dwellings and their associated amenities.

Accordingly, the proposal includes a 2.5m high acoustic fence along the northern and western perimeters of the Site.

15. With the acoustic fence in place, the NIA concludes that the sound level at the worst-case receiver (northwestern dwelling) is 48 dB LAeq, 1 hour. This is 14 dB below the residual sound level from Monday to Saturday, and 12 dB below the typical residual sound level on a Sunday.
16. A small section of the garden of the property to the north of the site boundary could experience noise levels of 52 dB LAeq. However, this is within the design range guidance of BS8233:2014 and World Health Organization guidelines for Community Noise within an amenity space during the day. Therefore, I consider this to be acceptable.
17. Overall, noise experienced from operations associated with the proposal from nearby dwellings would not be distinguishable or an incongruous sound by comparison to the existing acoustic environment. As such, this level of noise would not cause a change in behaviour or attitude.
18. Concerns have been raised about the intensification of vehicular movements and associated engine noises and music being played in vehicles waiting to enter the car wash area. However, having regard to the former lawful use of the appeal site and the adjacent PFS, such noise would not be uncommon in the vicinity of the site. Also, this would be mitigated by the proposed acoustic fencing and further managed through a requirement for a Site Management Strategy, which could be secured by a condition, if the appeal succeeds. The proposed hours of opening would also assist in ensuring that the use would not operate in the early morning or late evening and this could be secured by a condition if the appeal succeeds.
19. For the above reasons, and in the absence of any technical evidence to the contrary, I am satisfied that the proposal would not have a significant harmful effect on neighbours with regard to noise and disturbance. Accordingly, I find no conflict with Policy SP.33 of the Wyre Forest District Local Plan, April 2022 ('LP') which amongst other things says that development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on health and wellbeing.

Highway safety

20. The access and egress for the Site would be via the existing entrance from Bruce Road, which is to be widened as part of this proposal. Further west of this entrance is the junction of this road with Birmingham Road (A456).
21. As already stated, vehicles using the car washing area would follow a one way route. Bollards would be used to close off the existing vehicle access route from Bruce Road to the PFS.
22. To consider the highways implications of the proposal, the appellant has commissioned Transport Statements which have been supplemented with a Highway Supporting Statement for the appeal.
23. Because the scheme no longer incorporates a valet shelter, this would only provide two washing bays. Consequently, the trip generation associated with the proposal has been reviewed by the appellant, using data from the Trip Rate

Information Computer System ('TRICS'), surveys from other hand car washes and the trip generating potential of the existing use of the site (as an MOT garage).

24. Based on the appellant's TRICS assessment, the proposal would result in a total of about 103 two-way trips per weekday and a maximum of 16 two-way movements in the peak hour.
25. To highlight the robustness of the above data, the submissions include vehicle movement survey data from two comparable car wash and valet sites. The trip generation data resulting from these site's is lower than the trip rates identified under the TRICS assessment.
26. The appellant's evidence based on a TRICS assessment also shows that during the busiest hour, the extant use of the appeal site would generate around 7 two-way vehicle trips, with approximately 45 two-way trips per day.
27. As such, there would be an increase of a 58 two-way trips per day above the extant use. Moreover, the TRICS assessment for the car wash shows that the peak hour of use would be between 14:00-15:00 with an anticipated 16 two-way vehicle trips. The TRICS assessment for the MOT garage demonstrates that during the same period there would be five two-way vehicle trips, therefore the net increase of trips at the site during the peak hour of operation (which is outside the highway peak hour period) would be just over one vehicle movement every six minutes.
28. Based on the survey of the other two operational hand car wash facilities, there were no more than two vehicles queueing at any one point and two-way vehicle movements are largely spread across each hour period. The appellant has also confirmed that an approximate wash time of five to ten minutes per vehicle and anticipates that there would be no more than two queueing vehicles for the two wash bays at any one time.
29. The revised one-way access and egress from the building, would allow sufficient capacity for waiting vehicles within the site and this would easily accommodate the anticipated number of waiting vehicles associated with the proposal.
30. Also, the updated swept path analysis shows the one-way travel system for vehicles entering and leaving the building. The swept path analysis for the site access demonstrates that two large cars can pass during simultaneous two-way movements.
31. I acknowledge that some vehicle movements, for the use of on-site parking spaces are not indicated on the swept path analysis. Even so, given that these are most likely to be used by staff or visitors, the use of these is more likely to take place when the car wash is not open for business. Furthermore, given that the site has capacity for waiting vehicles, this would also provide some on-site vehicle manoeuvring capacity. Together, with a condition requiring a Site Management Strategy, these would be sufficient to manage on-site vehicles.
32. No swept path analysis has been shown for vehicles accessing and leaving the Site, north along Bruce Road. However, such manoeuvres would already be taking place and despite this, on the evidence before me, this does not compromise highway safety. Whilst the use of this access will intensify it is also being widened,

as such, I am satisfied that this arrangement would not have any unacceptable impact on highway safety.

33. Furthermore, the closing of access to vehicles to the PFS forecourt via Bruce Road is also likely to reduce usage of this access relative to the extant situation. There are no parking restrictions along Bruce Road and in the event that visitors choose to park along here and walk to the PFS shop, this is likely to be for short durations and unlikely to result in any unacceptable highway safety issues.
34. Both the appeal site in terms of its extant and proposed use would be largely reliant on vehicular traffic. As such, I have not been made aware of any requirement for a dedicated pedestrian access to be provided for the appeal site or PFS. Nonetheless, given that there is good visibility along the access off Bruce Road and this operates relatively safely, even with the increased usage, the widened access is unlikely to prejudice pedestrian safety.
35. Therefore, although the proposal would lead to an intensification of the number of vehicle movements relative to the former use of the appeal site, for the above reasons, there is nothing to suggest that the existing highway with a widened access to the appeal site does not have sufficient capacity to cope with this and would lead to vehicles obstructing the flow of traffic on Bruce Road or its junction with Birmingham Road (A456).
36. As such, the proposal would not harm highway safety and I find no conflict with LP Policy SP.27, which amongst other things says that development proposals must demonstrate that they address road safety issues.

Other Matters

37. In addition to the above main issues, concerns have been raised about other matters. The submitted Odour Screening Assessment concludes that the level of odour associated with the proposed development would be insignificant to neighbours.
38. The external yard and internal areas of the building will require illumination during periods of darkness. Based on the proposed hours of use it is likely that lighting will only be necessary during winter months and for a couple of hours of the day. Also, the submitted External Lighting Report, shows that any proposed lighting would be designed not to intrude on neighbouring properties.
39. Because of the provision of the proposed acoustic fencing, I am satisfied that the proposed scheme would reduce the level of overlooking experienced by nearby residents at present.
40. Given the extant use of the appeal site there is already potential for some air pollution associated with vehicles manoeuvring about the site but this is likely to increase as a consequence of the proposal. Nonetheless, the proposed acoustic fence would provide a physical barrier to protect neighbouring properties.
41. Whilst it has been suggested that the proposal has the potential to cause contamination and stress to the existing drainage system, I have no substantive evidence in support of this.
42. The responsibility of welfare facilities for staff would be a matter for the operator of the hand car wash.

43. Whilst I have noted concerns about the proposal affecting property values, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
44. Individually or cumulatively, the above matters are not sufficiently forceful to justify dismissal of this appeal.

Conditions

45. I have had regard to the conditions put forward by the Council considering the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved plans in the interests of certainty.
46. Conditions for the provision of the widened access / crossover on Bruce Road; the bollards to prevent access to the adjacent PFS; parking spaces, directional markings and signage are necessary in the interests of the satisfactory functioning of the development and highway safety. It is also reasonable to impose a condition to secure cycle storage to promote sustainable forms of travel.
47. Conditions requiring the specification and implementation of the Acoustic Fencing; details of any external lighting; a requirement that all operations associated with the washing and valeting of vehicles are undertaken within the existing building and specifying the operational times for the proposed car wash are all necessary to safeguard the living conditions of neighbours.
48. As already suggested, to manage noise (such as engines idling and stereos) from vehicles on-site waiting to access the hand car wash and to manage the movement of vehicles using the on-site parking spaces, a condition requiring a Site Management Strategy is reasonable and necessary in the interests of safeguarding the living conditions of neighbours and highway safety.
49. Conditions 3-8 (inclusive) which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions to have their intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

50. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site Location Plan 2110-1; Existing Site Layout 2110-3;
Existing & Proposed Building Elevations 2110-5;
Proposed Site Elevations 2110-6a; Proposed Site Layout: 2110-4f and,
Proposed Site Layout Swept Path Analysis Panel Vans and Large Cars:
DTP/3707823/ATR001 Rev D.
3. The development hereby permitted shall not be brought into use until the widened site access on Bruce Road; the bollards to prevent access to the adjacent Petrol Filling Station; and marking out of parking spaces as shown on Drawing: Proposed Site Layout: 2110-4f have been provided. Thereafter these areas and bollards shall be retained for their specific purposes at all times.
4. The development hereby permitted shall not be brought into use until the vehicular crossover on Bruce Road has been widened to correspond with the widened site access, in accordance with details that have been submitted to and approved in writing by the local planning authority.
5. The development hereby permitted shall not be brought into use until a scheme for directional markings on the ground and signage to direct vehicles through the site in accordance with the in / out layout shown on Drawing: Proposed Site Layout: 2110-4f, has been submitted to and approved in writing by the local planning authority and installed in accordance with the approved scheme. The approved scheme shall thereafter be maintained.
6. The development hereby permitted shall not be brought into use until a 2.5m Acoustic Fence of a specification, which ensures that when the hand car wash hereby permitted is in operation, the sound levels associated with this do not exceed those identified on Figure 4: Noise propagation of car wash and valet facilities, dB LAeq, 1 hour (1.5 meters from ground) on page 22 of the Noise Impact Assessment - Reference: 10383/SF, 13 October 2023, has been submitted to and approved in writing by the local planning authority.

The approved Acoustic Fencing shall be installed as shown on drawing: Proposed Site Layout: 2110-4f and prior to the development hereby permitted being brought into use. Thereafter, the Acoustic Fencing shall be maintained for the life of the development.
7. The development hereby permitted shall not be brought into use until a Site Management Strategy setting out measures to manage on-site vehicles associated with hand car wash has been submitted to and provided in writing by the local planning authority. Thereafter the hand car wash shall be managed in accordance with the approved Site Management Strategy.

8. The development hereby permitted shall not be brought into use until sheltered, secure and accessible cycle parking for staff has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the approved cycle parking shall be kept available for this purpose.
9. Prior to its installation any external lighting for the development site shall be submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved scheme and only operated when the hand car wash is open for business.
10. All operations associated with the washing and valet of vehicles associated with the use hereby permitted shall only be undertaken within the building at the site.
11. The hand car wash use hereby permitted shall only operate between the following hours: 0900 to 1800 Mondays to Saturdays and 1000 to 1700 Sundays and on Bank or Public holidays.