



---

## Appeal Decision

Site visit made on 11 December 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 December 2018**

---

**Appeal Ref: APP/F4410/W/18/3211138**

**Smalleys Garage, 614 Selby Road, Thorne, Doncaster DN8 4JD**

- 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 Patel against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 18/01019/FUL, dated 23 April 2018, was refused by notice dated 22 June 2018.
  - The development proposed is a jet wash bay.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a jet wash bay at Smalleys Garage, 614 Selby Road, Thorne, Doncaster DN8 4JD in accordance with the terms of the application, Ref 18/01019/FUL, dated 23 April 2018, subject to the conditions in the attached schedule.

### Procedural Matters

2. The appellant has submitted an Acoustic Survey and Assessment (ASA) with the appeal in response to the Council's second reason for refusing planning permission. The ASA was not considered by the Council in their determination of the planning application. While the appeal process should not be used to evolve a scheme, as the ASA does not materially alter the proposed development I do not consider that the Council and interested parties would be prejudiced if I considered the ASA. The Council's Environmental Health Officer (EHO) has considered and commented on the ASA. They have concluded that the ASA addresses their concerns, and thus the reason for refusing planning permission, subject to the imposition of planning conditions. I agree as local amenity would be protected. Therefore the appeal scheme would accord with Policies CS1 and CS14 of the Doncaster Council Core Strategy 2011-2028 (CS).
3. I could see from my site visit that two clear glazed screens had been erected parallel to Selby Road within the site. There was no jet wash, while the glazed screen next to the grass verge on Selby Road is lower than the proposed glazed screen. Thus, my findings will relate to the proposed development as set out on the plans before me.

### Main Issue

4. The main issue is the effect of the development on highway safety in Selby Road, with regards to the location of the jet wash and its operation.

## Reasons

5. The appeal site is part of an existing petrol filling station which has recently been redeveloped and extended after the grant of planning permission<sup>1</sup>. The petrol filling station is to the south-west of the signalised junction of Selby Road (A614) and Omega Boulevard which is about 20 metres to the north-west of the site. The junction provides access to the Capital Business Park from Selby Road which is a classified road linking Thorne to junction 6 of the M18 motorway. There are commercial units to south-west and residential dwellings to the north-west. The petrol filling station has a dual access to the road.
6. Central hatched marking separate the south-east bound and north-westbound carriageways of Selby Road. "Keep Clear" markings extend in front of the site's access to allow vehicles to turn in and out of the site when there is stationary traffic travelling on the north-west bound carriageway due to the traffic light controlled junction with Omega Boulevard. I observed drivers responding to these during my site visit, ensuring vehicles could turn into the petrol filling station without a lengthy delay. The carriageway is lit, while there is a pedestrian footway on the opposite side of the road. Due to the links that Selby Road provides, the road can experience high volumes of traffic, especially at peak hours. The M18 motorway provides onward connections to the M1, M62 and M180 motorways along with areas of employment across the region.
7. Accident data for the area near to the appeal site confirms one incident has occurred in the last five years. This incident was a collision between a car and a motorcycle as the car was turning right. As a result of this, but also given the site's location on an important transport link near to a traffic light controlled junction, it is important that highway safety is maintained.
8. The jet wash would be next to the north-west bound carriageway. However, the proposed jet wash is sufficiently set back from the access so that a vehicle using the jet wash would not inhibit other vehicles entering or leaving the petrol filling station. Vehicle manoeuvres in or out of the jet wash could also be conducted without impeding vehicles entering the petrol filling station from Selby Road. By using clear glazed screens drivers approaching the site or using the jet wash would be able to see other vehicles within or entering the petrol filling station. If the jet wash were to be occupied, drivers could park their vehicle in any one of a number of other car parking spaces within the petrol filling station site before manoeuvring into the jet wash once it becomes free. The petrol filling station forecourt is large enough to enable vehicles to manoeuvre safely around the site and allow vehicles to access the petrol pumps, especially as vehicle movements within the petrol filling station are typically at a low-speed. Taking these factors into account, I do not consider that the free flow of traffic on Selby Road would be affected.
9. However, the frequency of the jet wash's use cannot be controlled, and as such, it is reasonable that I consider the proposal on the basis that it is used regularly, at various times of day and across the week. The Council's primary concern relates to spray from the operation of the jet wash spilling out onto the road and therefore passing or stationary vehicles. This could have serious effects for drivers and their ability to: see the carriageway and other road users, including stationary traffic; and take appropriate action. Even if drivers are local to the area, the spray could occur at any time, and as such, drivers

---

<sup>1</sup> Council Ref: 17/00640/FUL

could not anticipate it. While vehicles may travel at slow speeds along this stretch due to the nearby traffic lights, spray from the jet wash could well result in shunts or visibility issues, regardless of whether it freezes during cold temperatures or not. Hence, the proposed jet wash could potentially lead to significant harmful effects to highway safety.

10. To address this, a glazed screen three metres in height is proposed on three sides. This would enclose the jet wash area and help confine spray, even if large vehicles used the jet wash. However, the appellant is willing to add a cantilevered back over the jet wash bay to keep spray within the confines of the bay. This could be designed to confine any spray to within the bay itself. I also note the suggested formation of an acoustic barrier to control noise emanating from the proposed jet wash. Details of both could be secured through a suitably worded planning condition.
11. For these reasons, I conclude that the proposed development would accord with saved Policy EMP1 of the Doncaster Unitary Development Plan and CS Policy CS14; which jointly seek, among other things, proposals for business or commercial uses within the strategic employment sites to accord with relevant plan policies, and in this regard ensure the safety of the highway.

*Other matter*

12. I note that, following comments from the parties, the Council accept that the level of car parking within the petrol filling station accords with the planning permission granted by the Council in 2017.

**Conclusion and conditions**

13. I have had regard to the planning conditions suggested by the Council in the event that I was minded to allow the appeal. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 I sought the appellant's written agreement to three pre-commencement planning conditions relating to drainage systems and a clear glazed screen, which would also address the recommendations of the ASA in providing acoustic treatment of the jet wash bay. They are necessary in the interests of ensuring the site is connected to suitable drainage systems, to avoid pollution of the public sewer and land drainage system, and to protect residents living conditions.
14. I have imposed a plans condition in the interests of certainty, although I have amended the suggested version so that details of the clear glazed screen can be submitted to and approved by the Council. I have imposed the condition suggested by the EHO to control the maximum sound power level in the interests of residents living conditions. I have imposed a condition about the storage of any oils or chemicals to prevent pollution of the water environment.
15. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16007D-24-C14 and 16007D-24-C15 except in respect of the clear glazed screen elevation shown on plan 16007D-24-C15.
- 3) The development hereby permitted shall not commence until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating in accordance with the approved details prior to the development being first brought into use.
- 4) Any water run-off from the vehicle wash down area shall be discharged to the public foul sewer (in accordance with PPG13-Vehicle washing and cleaning) via a suitable oil/petrol/grit interceptor. Details of these arrangements shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall be implemented in accordance with the approved details before the development hereby permitted is brought into use.
- 5) Prior to the commencement of the development hereby permitted a scheme shall be submitted to and approved by the Local Planning Authority for a clear glass screen. The glass screen shall provide a solid acoustic barrier and be at least 2 metres in height along the boundaries of the jet wash area and extend at least 2 metre beyond the edge of the jet wash area next to Selby Road. The acoustic barrier shall consist of a minimum density of 12kg/m<sup>2</sup>, providing 10 (250Hz) - 20 (8kHz) dB noise reduction. The development shall be implemented in accordance with the approved scheme before the jet wash is first brought into use and thereafter maintained during the lifetime of the development.
- 6) The Jet wash installed shall have a maximum sound power level of 89dB(A)(5mins). Details of the max sound power level of the jet wash shall be provided to the Local Authority before the development hereby permitted is first brought into use.
- 7) Any facilities for the storage of oils or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

END OF SCHEDULE