



Appeal Decision

Site Visit made on 19 February 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/F4410/W/20/3262725

Broadway Garage, Broadway, Dunscroft, Doncaster DN7 4HU

- 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. Mehedin Namini against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 20/01928/FUL, dated 15 July 2020, was refused by notice dated 25 September 2020.
- The development proposed is conversion of mechanical car wash to hand car wash, erection of canopy and acoustic screen, and erection of 2.4m high fence.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of brevity and clarity, I have taken the description of development from the Council's decision notice.
3. The appellant has questioned whether the proposal requires planning permission. This appeal has been made under section 78 of the Town and Country Planning Act 1990 and therefore whether permission is required is not a matter for me to determine.

Main Issue

4. The main issue is the effect the proposal would have on the living conditions of occupiers of neighbouring properties in regards to noise.

Reasons

5. There are concerns that the living conditions of occupiers of surrounding neighbouring properties would be adversely affected by the proposed development in terms of noise.
6. The appellant has submitted a Noise Impact Assessment¹ (NIA) which concludes that the proposal, that includes mitigation measures such as a canopy and acoustic screening, would have noise levels at around 10 dB lower than the existing automatic car wash. The NIA also refers to a noise survey undertaken in 2018 for a previous application², which identified the background noise levels as 43 dB at the property of 327 Broadway (No 327) and 44 dB at the property of 2 Broadwater Drive (No 2). This 2018 noise survey had concluded that the previous proposal for a hand car wash indicated the

¹ Reference: NIA/8987/20/8940/v1/Car Wash, Broadway

² Local Planning Reference Number: 18/00810/COU

potential for a significant adverse impact. It is noted that the proposed mitigation measures were not incorporated as part of the 2018 noise survey.

7. It is not disputed that the noise levels from the proposal would be less than the noise levels which emanate from the existing automatic car wash. However, the noise levels from the proposal, which is stated in Table 3.1 of the NIA as 58 dB, would still be higher than the background levels identified at the neighbouring properties of No 2 and No 327 by over 10 dB.
8. From the evidence before me, I am unable to establish the frequency of use of the existing automatic car wash and the proposal. The NIA has calculated the noise levels on the basis that the automatic car wash is used a minimum of 1 cycle per hour and the proposed hand car wash would be in constant usage with no breaks. There is no specific data which presents a true reflection on the usage of the proposal and more specifically the actual usage of the existing automatic car wash.
9. The Council have also raised concerns with regards to noise emanating from vehicles queuing on the site, including noise from running engines and car radios. The NIA have indicated that the proposal would look to incorporate a policy of no music or engine idling. This type of policy would be not be enforceable and in practice difficult to manage if vehicles are queuing for a significant amount of time and are required to move at regular intervals.
10. Whilst the noise levels for the proposal would be less than the existing automatic car wash, it would be significantly higher than the background noise levels at nearby residential properties. There is no definitive data in terms of frequency of use and it is implied in the NIA that proposal would be in constant use whereas the existing automatic car wash is used a minimum of 1 cycle per hour. The noise levels from the proposal, whilst at a lower level than the automatic car wash, would be more frequent and higher than the background noise levels at nearby residential properties.
11. On this basis, given the identified noise levels from the proposal and the close proximity of neighbouring properties, the proposal would compromise the living conditions of nearby residential occupiers in terms of noise.
12. 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 Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012, saved Policy PH12 of the Doncaster Unitary Development Plan 1998 and the National Planning Policy Framework (the Framework) which seeks development to enhance quality of life, integrate well with its immediate surroundings and not cause unacceptable loss of residential amenity.

Other Matters

13. The proposal would have economic benefits introducing a facility that would contribute to the local economy, stimulate and expand a local business and I note that there has been local support for the proposal.
14. Good design and protecting the environment are also key aspects of achieving sustainable development. Given the appearance of the existing fencing and automatic car wash on the site, the proposed canopy and acoustic fencing would not be intrusive features that would be harmful to the character and

appearance of the area. I also acknowledge the contribution the proposal would make to conserving energy and that no considerable concerns have been raised in terms of pollution control including odour.

15. Due to the size of the proposed operations I attribute minimal weight to these benefits. I therefore find that the benefits of the proposed scheme would not outweigh the considerable harm I have identified in the main issue.
16. I have had regard to the appellants statement of case, including reference to Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Planning Policy Statement 23 "Planning & Pollution Control". Both these documents have been replaced by the Framework and as discussed above, I have found that the proposal would be contrary to the Framework, and this includes having regard to matters on pollution and economic growth.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR