



## Appeal Decision

Site visit made on 2 September 2015

by **David Smith BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2015

**Appeal Ref: APP/V2255/W/15/3014888**

**Former Transport Depot, Standard Quay, Faversham, Kent, ME13 7BS**

- 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 V Parallangaj against the decision of Swale Borough Council.
- The application Ref 14/501373/FULL, dated 25 June 2014, was refused by notice dated 3 December 2014.
- The development proposed is change of use for open yard of former transport depot to hand car wash plus construction of canopy to washing area.

### Decision

1. The appeal is allowed and planning permission is granted for change of use for open yard of former transport depot to hand car wash plus construction of canopy to washing area at former Transport Depot, Standard Quay, Faversham, Kent, ME13 7BS in accordance with the terms of the application, Ref 14/501373/FULL, dated 25 June 2014, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal on the living conditions of surrounding residents and whether it would preserve or enhance the character or appearance of the Faversham Conservation Area including the setting of nearby listed buildings.

### Reasons

3. The appeal site comprises a vacant yard. The car wash business that commenced in about March 2012 has now ceased although the portable office building remains.
4. Appeals against the refusal of planning permission and an Enforcement Notice in relation to a vehicle hand wash facility were dismissed in 2013<sup>1</sup>. The reasons for refusal of that application included reference to harm to the character of the Conservation Area and to the release of polluted water into the nearby Creek. However, the Inspector concluded that *"The harm caused to the amenities of local residents by the use of the site for the open air cleaning of vehicles, and the consequent conflict with the Development Plan, is sufficient reason in itself to withhold planning permission."* The other considerations raised by the Council were not mentioned but particular reference was made to the use of a high pressure water delivery system.

<sup>1</sup> APP/V2255/A/13/2194405 & C/12/2186244

Appeal Decision APP/V2255/W/15/3014888

---

5. The proposal differs significantly from the previous application in that it is now intended to construct a building to contain the car washing activities. This structure would be boarded with roof sheeting and is more than a "canopy" as described in the application. The doors at either end would be weighted to ensure that the interior is sealed and they would be shut when rinsing takes place. This would be done by lance spray equipment and cars would also be cleaned by hand held sponges. The vacuum cleaner is shown to protrude from an adjoining building.

***Living conditions***

6. On either side of the appeal site are a building in use for car repairs to the east and a former oil depot to the west. There are a range of businesses including shops operating from the historic buildings at Standard Quay and offices in Quayside House. Along Abbey Road to the south are another small garage and a public house. However, there is a terrace of houses immediately to the south as well as residential development at Lammas Gate and along Abbey Street. There is also housing to the north on the opposite side of Faversham Creek. As such there is a mixture of uses in the vicinity.
7. The previous Inspector gave a clear description of the noise that emanated from the proposed use based on a demonstration of the pressure wash system. However, the proposal would contain noise and spray within an acoustically insulated building. The appellant's report considers that noise would be reduced to a negligible level as a result. This is accepted by the Environmental Health Manager who advises that the proposals would be effective and raises no objection. Whilst the specific attenuation properties of the building are not stated there is no technical evidence to dispute these overall findings.
8. That said, the building would be in close proximity to the houses to the south. Conditions could nevertheless ensure that the hours of operation were limited and that washing took place as intended. There is no reason to suppose that they would be deliberately flouted or that the use would be undertaken in an unneighbourly manner. In particular, it would be important to ensure that the doors were closed when washing was in progress and there is nothing to clearly indicate that this could not or would not be done. The suggested conditions would be enforceable and together would provide adequate safeguards.
9. Noise from car engines left running as customers wait and as they arrive at or leave the site is also a matter of concern. However, this is not a quiet, suburban location but rather an area where a variety of activity takes place cheek by jowl. The transport depot would have also generated vehicle movements although there is limited information about previous levels of use. In any event, it is a matter of conjecture as to whether those queuing would leave their engines idling but given the existing 'busyness' of the surroundings the impact of additional vehicles would be insignificant.
10. Overall the proposal would not harm the living conditions of surrounding residents. It would also accord with Policy E1 of the Swale Borough Local Plan of 2008 as no demonstrable harm would be caused to residential amenity. The National Planning Policy Framework aims to avoid noise giving rise to significant adverse impacts on health and quality of life but that would not be the case here.

Appeal Decision APP/V2255/W/15/3014888

---

### **Conservation Area and listed buildings**

11. The Conservation Area Appraisal refers to the long-standing connections of Standard Quay with water-related activities associated with the Creek and the authentic echoes of its "somewhat rough and ready working environment".
12. Part of its character is therefore as a working area whether boat related or more recent commercial uses. The comings and goings that form part of the proposed car washing use would be entirely consistent with this general character and would not be disturbing. The design of the building would also be entirely apt. It would have a simple, unobtrusive form with suitable 'industrial' materials that would reflect those of surrounding traditional structures. This would complement the qualities of the Conservation Area.
13. There are listed buildings in the vicinity at Standard Cottage, The Anchor Public House and the former granary and barns at Standard Quay. However, the proposed building would not be seen in conjunction with them and would not detract from their setting or their significance as heritage assets.
14. Overall the proposal would preserve the character and appearance of Faversham Conservation Area and the setting of nearby listed buildings in line with the relevant statutory duties. By the same token, there would be no conflict with Policies E14 and E15 of the Local Plan which are concerned with development affecting conservation areas and involving listed buildings.

### **Other Matters**

15. Abbey Street and Abbey Road are not through roads and there is a high incidence of on-street parking which, at times, impedes the flow of vehicles along Abbey Street. There is also a sharp bend in front of the public house. Representations draw attention to the difficulties caused. However, there is insufficient evidence to demonstrate that the proposed car wash would make highway safety materially worse when compared to the existing level of traffic.
16. Some people doubt the wisdom of locating a car wash at Standard Quay rather than on a main road with a high degree of passing trade. On the face of it, there is perhaps some force in this but the proposal has to be judged in its own right as to whether it would be acceptable at the appeal site.
17. The discharge of effluent into the Creek would potentially pollute its waters but this could be precluded by condition and as part of the scheme the existing bund across the site would be re-built so as to be effective. Gullies would drain into the mains sewer and the Environment Agency has no objection. Concern is expressed about the working environment for those inside the building but the doors would not be shut at all times.

### **Conditions**

18. To protect the living conditions of those nearby conditions are required to limit the permitted use, to restrict where vehicle washing can take place and the hours of operation. Details of the enclosure of any noise generating equipment should also be agreed. Similarly any external lighting should be controlled given the relationship with residential properties.
19. For environmental reasons and given the proximity to the Creek conditions are necessary to deal with any contamination discovered and drainage. To achieve

Appeal Decision APP/V2255/W/15/3014888

---

a satisfactory external appearance the building should be stained black. The plans should also be listed for the avoidance of doubt and to facilitate any necessary minor material amendments.

20. The Council suggests a temporary permission of 3 years in order to review the position at the end of that time. The Planning Practice Guidance indicates that temporary permissions may be appropriate in circumstances where a trial run is needed to assess the effect of a development in any area<sup>2</sup>. However, given that I find that the proposal would accord with the relevant development plan policy in terms of amenity this limitation is not justified.

#### **Conclusions**

21. The proposal would not harm the living conditions of surrounding residents and would preserve both the character and appearance of the Conservation Area and the setting of nearby listed buildings. It would accord with the development plan and there are no other considerations to outweigh these findings. As such, the proposal is acceptable subject to conditions and the appeal should succeed.

*David Smith*

INSPECTOR

---

<sup>2</sup> ID: 21a-014-20140306

Appeal Decision APP/V2255/W/15/3014888

---

#### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 471/01C and 02B.
- 3) The land shall only be used as a hand car wash and for no other purpose including any other industrial process in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 4) Vehicle washing shall only take place within the permitted car wash enclosure as shown on the approved drawings. Washing shall not commence until both doors are closed and they shall remain closed until the process is completed and the use of all equipment within the enclosure has ceased.
- 5) The washing of vehicles shall only take place between 0900 and 1800 hours on weekdays and 1000 and 1600 hours on Saturdays and Sundays. No vehicle washing shall take place on Public Holidays.
- 6) If, during development, any contamination is found then no further development shall take place until a remediation strategy showing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- 7) No water from the washing of vehicles shall be discharged into any surface water sewer or directly into Faversham Creek.
- 8) The tarmac bund specified on drawing no 471/01C and the car wash water collection area and associated drainage shown on drawing no 471/01C shall be provided before the commencement of vehicle washing and shall thereafter be retained.
- 9) The external timber boarding on the car wash enclosure shall be stained black prior to the commencement of the use hereby permitted.
- 10) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The works shall be carried out in accordance with the approved details.
- 11) No development shall take place until details of the acoustic enclosure of any static noise generating equipment has been submitted to and approved in writing by the local planning authority. Any approved enclosure shall be implemented before that equipment is first used and shall thereafter be retained.