

APPLICATION NO	PA/2009/1192
APPLICANT	Albion Assistance Ltd
DEVELOPMENT	Planning permission to vary condition 4 of PA/2009/0595 to extend opening hours to 8am to 6pm on Saturdays, Sundays and Bank Holidays
LOCATION	Albion Assistance Ltd, Ferriby Road, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton Town Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) states that development proposals should not result in unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance. Additionally this policy states that development should not result in pollution of water, air or land which creates detrimental environmental conditions.</p> <p>Policy T1 (Location of Development) states that development proposals which generate a significant volume of traffic will be permitted provided that they are located in the urban area of Barton-upon-Humber.</p> <p>Policy T2 (Access to Development) states that all development must be provided with a satisfactory access and should be adequately served by the existing highway network.</p>
CONSULTATIONS	Highways: No objections or comments.
TOWN COUNCIL	Object on the grounds that the hours of operation condition imposed on PA/2009/0595 should remain so that the business is not operated at unsocial hours.
PUBLICITY	Neighbouring properties have been notified. No representations have been received.

ASSESSMENT

The application site is a former petrol filling station which is partly used for the parking of vehicles associated with the MOT test centre established at the site. The site has an existing canopy in the centre which measures 11.5 metres by 8.5 metres. There is an existing vehicle entrance and exit onto the classified Ferriby Road to the south.

This proposal was originally considered by the Planning Committee at its meeting on 19 August 2009 when planning permission was granted (PA/2009/0595) subject to a number of conditions including (at the request of the council's Environmental Protection Officer) one relating to the restriction of hours of operation. The applicants consider the time limits imposed unreasonable and have requested that they be relaxed to allow Sunday and Public Holiday working.

The main issue in determining this application is whether an extension to the hours of operation would result in loss of amenity to nearby residential properties through noise and general disturbance.

The site is located close to residential properties which are sited on the other side of Ferriby Road. It should be noted that the site is a hand car wash and no machinery or high pressure washers are used. Furthermore, there is a petrol filling station with a mechanical car wash directly opposite the site which is open on a daily basis including Bank Holidays. The hand car wash should not create noise disturbance over and above that produced by the existing petrol station and car wash opposite. However, it is considered prudent to impose a temporary planning condition to allow the hand car wash to be operated seven days a week with restricted hours on Sundays and Bank Holidays for a period of one year. This will allow the local planning authority to assess whether the extension to the opening hours for a temporary period of one year will result in any loss of amenity to surrounding residential properties. Environmental Protection officers would support a temporary permission for one year on a trial basis.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

Within two months of the date of this permission, details showing an effective method of preventing surface water run-off from hard-paved areas within the site onto the highway shall be submitted to and agreed in writing by the local planning authority. These measures shall be implemented in their entirety within a further month of the details being agreed.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

2.

Within two months of the date of this permission, details of the method of discharging surface water run-off through an interceptor shall be submitted to and agreed in writing by the local planning authority. These measures shall be implemented in their entirety within a further month of the details being agreed.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

3.

Spray prevention screens shall be erected within two months of the date of this permission, the location and design of which shall be agreed beforehand in writing by the local planning authority. The screens shall thereafter be retained for as long as the site is used as a car wash.

Reason

In the interests of highway safety and residential amenity, and to comply with policies DS1 and T19 of the North Lincolnshire Local Plan.

4.

The premises shall not be open to customers outside the hours of 8.30am to 6pm Monday to Saturday and 10am to 4pm on a Sunday and Public Holiday, and unless a further specific planning permission is applied for and granted, the premises shall revert to opening times of 8.30am to 6pm Monday to Friday, 8am to 12.30pm on a Saturday and at no time on a Sunday or Public Holiday from 9 December 2010.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.



Application site showing position of canopy and portable building/toilet hatched

 **Conservation Area**

Drawing Title: 2009/1192

OS Grid Ref: TA02792204

Drawn by: KC

Scale: 1:1250

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NORTH LINCOLNSHIRE COUNCIL 0100023560 2009



Highways and Planning Service

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