

APPLICATION NO PA/2010/1306

APPLICANT Shelly's Deli

DEVELOPMENT Planning permission for the siting of a mobile catering van

LOCATION Cross Keys Inn, 6 Top Road, South Killingholme

PARISH SOUTH KILLINGHOLME

WARD Ferry

SUMMARY Grant permission subject to conditions

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Objection by South Killingholme Parish Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy S11 (Temporary Markets, Car Boot Sales and Lay-by Trading) states that temporary planning permission will only be granted provided that:

- (i) access and parking arrangements are adequate and will not result in a reduction in road safety;
- (ii) no adverse impact will result on residential properties in the vicinity as a result of noise, disturbance, etc;
- (iii) the proposal will not have an adverse impact upon the character and appearance of the area, particularly if the proposal is to be located in the open countryside or in other environmentally sensitive areas.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (iv) no pollution of water, air or land should result.

CONSULTATIONS

Highways: Advise conditions (4).

PARISH COUNCIL

Object to the proposal on the following grounds:

- The proposed facility will encourage lorries to park on the roadside. With the location being very close to a busy roundabout junction, it will impair visibility and cause danger to road users.
- The proposed facility will impact severely on the local shop which is sited close by. The local shop has been established a number of years and provides a similar service and product as has been proposed in this planning application.
- The proposed planning application will affect the quality of life of residents close by. The increased traffic stopping and starting close to this residential area will cause a noise nuisance and the smells created by the catering van will also have an adverse effect on local residents particularly as the catering van is intending to open seven days a week.

PUBLICITY

Neighbouring properties have been notified by letter; two letters of support and six letters of objection have been received.

The letters of support are from the two nearest properties to the proposed site and state simply that, having met the applicant, they have no concerns with the proposal.

The six letters of objection object to the proposal on the following grounds:

- the impact of HGVs using the site and the increase in traffic in what is considered to be a residential area
- smells and fumes from vehicles using the catering van would adversely affect the amenity of the adjoining dwellings
- smells and fumes from the catering van
- increase in rubbish in the surrounding area
- there is already sufficient provision in the form of shops and existing catering facilities in the immediate area

ASSESSMENT

Planning permission is sought for the siting of a mobile catering van located at the Cross Keys Inn, Top Road, South Killingholme. Adjacent to the site are residential properties, the closest being some 20 metres away. The site is surrounded on three sides by dwellings with little or no mature foliage separating them.

The main issue to consider in the determination of this application is whether or not the proposed siting of the mobile catering unit would be detrimental to the amenity of the surrounding area by virtue of the possible extra vehicular movements and odours being generated by the mobile catering unit.

It is noted that a number of objectors have raised the issue that there are already a number of retail outlets, notably the village shop, which already offer the same service as the proposed catering van. However, it is not the purpose of the planning system to limit growth and protect existing businesses, therefore no weight can be attached to objections on these grounds.

The main areas of concern relate to the odours being generated and the location of the catering van in what is essentially a residential area.

The location of the catering van, in the car park of the Cross Keys Inn, ensures that the majority of vehicles will not have to park on the roadside of Top Road thus ensuring that it is free from obstructions. It should also be noted that Highways have no objection to the proposal subject to conditions. Top Road is a busy road with many HGVs using it to gain access to the Killingholme Airfield Industrial Estate and whilst the stopping of HGVs may cause some disturbance to nearby residents, it is not considered to be detrimental enough to justify a refusal on the grounds of noise disturbance.

In relation to odours being generated from the catering van, the council's own Environmental Health team have expressed concern with regard to the possible impact of the proposed catering van on the surrounding dwellings. However, it is considered that subject to certain conditions – principally a time-limited permission for one year – then the proposal can be supported.

In conclusion, subject to conditions that control the hours of operation and restrict the permission to one year, the proposal is considered acceptable and in accordance with policies S11 and DS1 of the North Lincolnshire Local Plan. The proposal is, therefore, recommended for approval.

RECOMMENDATION: Grant permission subject to conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 2010/1306/01 and 2010/1306/02.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Trading shall only be carried out between the hours of 7.30am and 2pm Monday to Saturday. There shall be no trading on Sundays and Bank/Public Holidays.

Reason

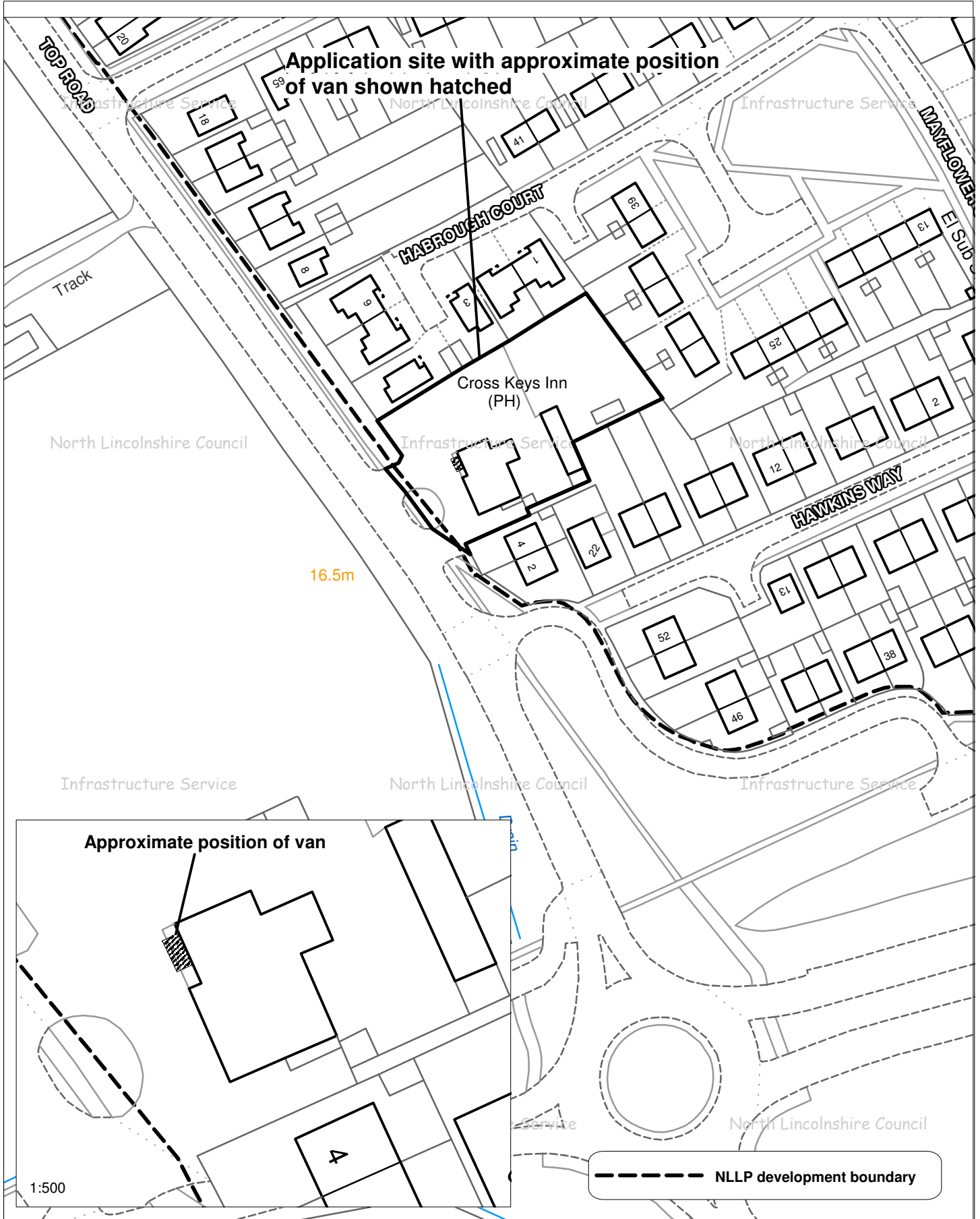
To protect the residential amenity of the area, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The catering van shall be used only by Mr Darren Shelton and shall be for a limited period, being the period of 1 year from the date of this decision, or the period during which the premises are occupied by Mr Darren Shelton, whichever is the shorter.

Reason

To assess the impact of the building and flue on the surrounding residential properties in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.



Drawing Title: 2010/1306

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