

Item Number: 11
Application No: 16/01337/73A
Parish: Norton Town Council
Appn. Type: Non Compliance with Conditions
Applicant: C & A Brack (Mr C Brack)
Proposal: Variation of Condition 05 of approval 15/00848/FUL dated 25.09.2015 to allow use between 08:00 hours and 19:00 hours on Mondays to Saturdays
Location: 5 Church Street Norton Malton North Yorkshire YO17 9HP

Registration Date:
8/13 Wk Expiry Date: 30 September 2016
Overall Expiry Date: 14 September 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Parish Council Recommend Refusal

Neighbour responses:

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SITE:

The application site is 5 Church Street, Norton and is currently in use as hand car wash facility. Church Street forms part of the B1248 Malton to Beverley Road.

The site lies opposite the Gulf petrol station on Church Street, which has a separate hand car wash operation to the rear. There is a non-residential building at 7 Church Street to the east of the site and the former public conveniences is to the west of the site.

The site lies within flood zones 2 and 3 and also within Norton conservation area.

PROPOSAL:

Permission is sought for the variation of condition 05 of planning permission 15/00848/FUL. The wording of the condition is as follows:

The site shall be used for the approved use between 09:00 hours and 18:00 hours on Mondays to Fridays; and between 09:00 hours and 18:00 hours on Saturdays and Sundays.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

It is proposed to extend the permitted hours to 08:00 hours and 19:00 hours on Mondays to Saturdays and for Sunday hours to remain as 09:00 to 18:00 hours.

CONSULTATION RESPONSES:

Norton Town Council object to the proposal, citing concerns over the extended hours. The Town Council response is appended to this report. Members will note that whilst refusal is recommended by the Town Council there is no further elaboration in the reasons for the objection.

No further consultation responses were received.

This application is brought before Members for consideration and determination as the objection relates to the proposed alterations to the hours of use, which is a material planning consideration.

HISTORY:

11/00376/FUL - Change of use of land to site for hand car wash - Permitted

15/00848/FUL - Retention of site for use as a hand car wash with retention of associated equipment to include two containers, car port, two static signs and entrance/exit gates (retrospective application) - Permitted

POLICIES:

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

APPRAISAL:

The key issues to consider are:

- i. The impact on Neighbour Amenities
- ii. Conclusion

i. The impact on Neighbour Amenities

The principle of development at this site was most recently considered under planning application 15/00848/FUL. The impact of development on the conservation area and the flood zones were taken into account and a temporary planning permission was granted. The purpose of the current application is to consider the impact of the additional 12 hours per week of commercial operation on neighbour amenity, given the earlier start times and later finishing times on Mondays to Saturdays.

In accordance with Policy SP20, new development will not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

It is relevant that planning permission, when granted in 2015 was a temporary permission for three years. This variation to the planning condition, if approved will be in place only until September 2018, at which point further planning permission would be required for the continued operations.

The proposal to vary the current planning application would allow for an additional hour of trading in the morning and an additional hour of trading in the evening, for six days a week. The context of the site is particularly important in this instance. The site lies approximately 40 metres to the east of the railway level crossing and the intersection of Church Street with Welham Road. Church Street (also the B1248) is one of the main routes through Norton and there will be continual vehicular traffic in close proximity to the site during this time. There are many businesses in close proximity to the application site with hours of operation that will exceed those proposed. This includes the Gulf petrol station and a hand car wash on the opposite side of Church Street, the Lidl supermarket to the west on Welham Road and the Derwent Arms public house further east on Church Street.

Due to the location of the site in relation to nearby buildings and the distances involved from the nearest residential buildings, it is not considered that the additional hours of operation will result in a materially adverse impact on amenity to the occupiers of neighbouring land and buildings. The proposal therefore complies with Policy SP20.

ii. Conclusion

The proposed increase in hours is considered to comply with national and local planning policies and is recommended for approval to amend the wording of condition 05 of planning permission 15/00848/FUL.

RECOMMENDATION: Approval

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties