

Application for Determination

Parish: Great Yarmouth

Reference: BA/2013/0119/COND **Target date:** 26/06/2013

Location: Shell Petrol Station, Caister Road, Great Yarmouth

Proposal: Variation of conditions on pp BA/2012/0316/CU to allow relocation of spray screen and to allow for winter and summer opening times.

Applicant: Mr Nick Shatri

Reason for referral: Objection from neighbour

Recommendation: Approve with conditions

1 Description of Site and Proposals

- 1.1 The application site is a Shell petrol station situated on the A149 Caister Road on the northern edge of Great Yarmouth. The site lies within a small spur of the Broads Authority's executive area which extends from the River Yare right up to Caister Road.
- 1.2 Caister Road is a busy 'A' road leading north out of Yarmouth towards Caister. Residential development lines either side of the road along most of its length, however the petrol station marks the end of residential development on the western side of the road, with land to the north of the station being open amenity space.
- 1.3 The petrol station site fronts on to Caister Road and to the west, at the rear of the site, shares a boundary with two residential properties and a public house (currently closed).
- 1.4 The site is broadly rectangular in shape and measures approximately 50m x 50m. The site comprises a shop and filling station which are both housed under a large canopy, and the hand car wash business which is the subject of this application.
- 1.5 Consent for the operation of the hand car wash business was granted on 2 April 2013, following a resolution to approve the application by Planning Committee on 28 March 2013 (BA/2012/0316/CU). In light of the objection received from a neighbouring property Great Yarmouth Environmental Health requested that any consent issued be temporary for one year, to allow for a proper assessment of the impact of noise and overspray on the amenity of

this neighbouring property. Accordingly, the consent granted is temporary for one year, expiring in April 2014. This application seeks to make the variations to conditions 2 and 5 attached to that consent

- 1.6 Condition 2 requires the car wash site to be set out in accordance with the approved plan. This application seeks to vary the approved plan by relocating a 3m high vinyl spray screen. The approved plans require that the screen is located approximately 3m east of the boundary fence; the proposed revised location would see the screen sited immediately in front of the boundary fence.
- 1.7 This alteration is requested to ensure the screen does not impede the operation of the car wash and to maximise the effectiveness of the screen in preventing overspray from reaching neighbouring properties.
- 1.8 Condition 5 restricts the hours of operation of the hand car wash to between the hours of 08.00 and 18.00 Mondays to Saturdays and 09.00 and 16.00 on Sundays and Bank Holidays. This application seeks to vary these opening hours taking account of the seasonal nature of the business, with a proposed winter opening pattern (1 November to 31 March) of 08.00-18.00, and a proposed summer opening pattern (1 April to 31 October) of 08.00 – 19.00.

2 Site History

In 2013 retrospective consent was granted for the operation of a hand car wash business at the petrol station site. The consent is temporary for 1 year and expires in April 2014.

In 2010 retrospective consent was granted for the installation of an ATM cash machine (BA/2010/0356/FUL)

In 2010 consent was granted for the erection of two illuminated advert displays (BA/2010/0197/ADV)

3 Consultation

Broads Society – No response.

Great Yarmouth Borough Council – No response received.

District Councillor – No response received.

Great Yarmouth Borough Council Environmental Health Officer – Comments awaited.

4 Representations

Mr T Fell, 20 River Walk, Great Yarmouth – objection due to noise and disturbance associated with the hand car wash business.

5 Policy

- 5.1 The following policy has been assessed for consistency with the NPPF and has found to be broadly consistent with the direction of the NPPF. However the NPPF is not explicit in its support for the policy and therefore aspects of the NPPF may need to be given some weight in the consideration and determination of this application. This is considered in detail at paragraph 6.7 of this report.

Broads DM DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP28 – Amenity

- 5.2 **Material consideration**
National Planning Policy Framework [NPPF](#)

6 Assessment

- 6.1 The principle consideration in the determination of this application is the impact of the operation of the car wash on the amenity of the neighbouring residential occupier, and achieving an appropriate balance between protection of this amenity whilst at the same time not unduly fettering the operation of a successful small business which employs two full time and two part time employees.
- 6.2 When considering impact on amenity Policy DP28 requires that new development have no unacceptable impact on the amenity of neighbouring occupiers. In this case the hours of operation were limited to restrict the impacts of noise generated by the site (from machinery and staff) and overspray from pressure washers. The degree to which these impact on the amenity of the neighbouring residential property is a matter of dispute between the applicant and the resident, and the uncertainty as to the true impact of the car wash business on amenity is reflected in the temporary, 'trial' nature of the consent issued.
- 6.3 What is not disputed is the fact that the wider site is a petrol station which operates from very early in the morning to late at night. This use in itself creates a degree of noise and disturbance throughout the day; this is relevant to the determination of this application as one of the detrimental impacts on amenity reported by the objector to this application is the slamming of car doors, starting of engines and radio noise generated by cars using the hand car wash.
- 6.4 Consequently, when considering this application for variation of condition it must be noted that in the times when the car wash is not operating there still exists the potential for noise arising from the site, and that this forms part of the consented use of the site as a petrol station.

- 6.5 When considering this application for variation of condition the key issue in planning is whether the extension of hours proposed would result in an unacceptable impact on the amenity of any neighbouring occupier, when compared to the existing consented hours. The proposed increase is relatively modest – extending the permitted hours of operation to 19.00 at night during the period April – October (inclusive) and extending the permitted hours on Sundays and Bank holidays from closing at 16.00 to closing at 19.00.
- 6.6 In the context of the application site (namely a busy filling station and shop) and having regard to the fact that the existing consent is temporary in order that the impacts on residential amenity can be properly assessed, it is not considered that there are any material planning reasons to refuse this application for a modest relaxation of the hours of operation.
- 6.7 In making this recommendation it is noted that the National Planning Policy Framework states that Local Planning Authorities must *'take account of'* the effects of development on amenity (paragraph 120), but also requires planning to *'encourage and not act as an impediment to sustainable economic growth'* and states that Authorities must place *'significant weight'* on the need to support economic growth through the planning system (paragraph 19).
- 6.8 There are no objections to the relocation of the overspray barrier, which would remain effective in minimising overspray to the neighbouring properties.

7 Conclusion

- 7.1 This application seeks consent for the variation of conditions 2 and 5 of consent BA/2012/0316/CU to allow for the relocation of a vinyl screen and the relaxation of opening hours to reflect the seasonal nature of the business.
- 7.2 Whilst the concerns of the neighbouring residential occupier are noted, it is not considered that the proposal would result in any unacceptable impacts on residential amenity having regards to the commercial nature of the wider site and the protection of amenity afforded by the fact that this is a temporary consent permitted whilst Great Yarmouth Environmental Health Officer's continue to monitor noise, disturbance and overspray emanating from the site.

8 Recommendation

- 8.1 Approve subject to the following conditions:
- (i) Temporary consent for 1 year
 - (ii) In accordance with approved revised plans
 - (iii) Vacuum and pressure washers must only be operated when

- motor unit is encased in enclosed boxes
(iv) Revised hours of operation

9 Reasons for Recommendation

- 9.1 It is not considered that the proposed extending opening hours would result in any unacceptable impact on neighbouring occupier's amenity and, accordingly, the application is considered to be in accordance with Policy DP28 of the Broads adopted DM DPD.

Background papers: Application BA/2013/0119/COND

Author: Fergus Bootman
Date of report: 9 May 2013

Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

