

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 07/00567/FUL
Application at: Heworth Auto Point Mill Lane York YO31 7TF
For: Variation of condition 4 of planning permission 04/00622/FUL to allow fuel deliveries between 0700-1800 hrs Monday to Fridays.
By: Wincanton / Texaco
Application Type: Full Application
Target Date: 23 May 2007

1.0 PROPOSAL

1.1 This planning application is submitted on behalf of Texaco and seeks to extend the period that the fuel tankers can fill tanks at the site.

1.2 This application was originally worded 'Variation of condition 4 of planning permission 04/00622 to allow deliveries from 06:30'. Following negotiations with the applicant this has been amended to 'Variation of condition 4 of planning permission 04/00622 to allow fuel deliveries between 07:00 - 18:00 hours Monday to Fridays. The material change from the current position would be allowing deliveries of fuel to commence at 07:00 rather than 08:00. All other delivery times would be as approved in 2002 and 2004.

1.3 The recent history at the site is as follows:

02/01394 - Alterations to forecourts and sales building including erection of single storey flat roof extension and raising height of roof of part of existing building to form first floor - Granted 2002. This consent restricted opening hours on the site to 07.00 - 23.00 seven days a week with deliveries (except milk and newspapers) restricted to 08:00 - 18:00 -- Monday to Friday and 09:00 - 13:00 Saturdays and not at all on Sundays and Bank Holidays.

04/02100 - Replacement of car wash (Granted 2004). This consent restricted operation to 09:00 - 19:00 Mondays to Fridays with more restricted times on weekends and bank holidays.

04/0622 - Alterations to existing shop unit to form first floor staff accommodation and plant room. This was a revision of application 02/01394 as the scheme was not constructed to the approved height. This was granted in 2004 subject to the time restrictions of 02/01394.

05/0870 - Replacement of car wash (revision of 04/02100). This was refused because of concerns relating to noise from the vacuum and spray wash (2005).

06/01765 - Application to vary the condition on 04/0622 to allow deliveries between 0600 - 20:00 seven days a week (this was withdrawn).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections

Environmental Protection Unit - No objections to deliveries commencing at 07:00.

3.2 External

Planning Panel - No objections to deliveries after 7.00 a.m.

Cllr R Potter - object to any change to allow earlier deliveries.

Neighbours - 25 written objections were received. Most were received on standard letters. The issues raised were:

- * Nothing has changed since the restriction was imposed in 2004.
- * Present delivery arrangements for the garage are more generous than city centre shops.
- * Residents live around the area and will be woken by 'bleepers or worse' before 8.00 a.m.
- * Traffic before 8.00 a.m. is generally light and non-intrusive. Large lorries do not otherwise travel through the area because of weight restrictions on Mill Lane.
- * The opening of the Lawrence Street/Heworth Green link will reduce traffic on Mill Lane.

4.0 APPRAISAL

4.1 The application site is a 12-pump petrol filling station and convenience store located in a generally residential area of Heworth. The site is accessed off Mill Lane.

4.2 Up until planning permission was granted for the extension of the building in 2002 there were no planning restrictions in place in respect to opening and delivery times. The planning permission gave the opportunity to impose controls to help protect the living conditions of neighbours living in the vicinity.

4.3 The applicant has stated that the shop rather than Texaco were involved in negotiating the change in delivery times and that an amendment to allow earlier petrol deliveries on weekdays would have the advantage that it would mean that they could be completed before the peak of rush hour.

4.4 In assessing the application the key issue is whether the change would have an unacceptable impact on neighbours' living conditions. Policy GP1 (Design) states that development proposals should 'respect or enhance the local environment' and 'ensure that residents living nearby are not unduly affected by noise or disturbance'. Neighbours are located around the edge of the site. Susan Court is immediately to the rear, this residential development was granted consent in 1998 (98/00818).

4.5 To assess the impact of proposals a visit of a petrol tanker was monitored by council officers and some local residents on 5 October 2006 at approximately 11 a.m. The case officer visited the site between 7.00 a.m. and 8.15 a.m. on Monday 14 May to assess the degree of noise and activity associated with the forecourt and Mill Lane at the time they wanted to undertake deliveries.

4.6 The survey on 14 May 2007 indicated that there are relatively high background noise levels from 7.00 a.m. onwards associated with traffic movement. Within the first hour, 57 motor vehicles entered the garage forecourt and around 425 motor vehicles drove past along Mill Lane. In the first quarter of an hour 12 motor vehicles entered the garage forecourt and around 75 passed on Mill Lane. The level of traffic increased slightly through the hour. The nature of some of the noise associated with the usage of the garage between 7.00 - 8.00 a.m. did cause some level of disturbance. This included loud mopeds and other vehicles pulling away, doors slamming and people occasionally shouting across the forecourt.

4.7 The petrol tanker that delivers to the garage is approximately 50 feet long. It is understood that one tanker typically visits the site three times each week. It takes around 30-40 minutes to empty a tank. The tanks are fed by gravity and there is little noise when the vehicle is stationary. The main noise is associated with the movement of the tanker. Subject to the operation of the driver there is also some noise created when manually connecting and disconnecting the tube to the tank. The applicant has stated that the tankers do not use reversing beepers and that these are not required for health and safety reasons. Controls on the use of 'bleepers' could be controlled by condition. Should 'bleepers' be required in the future a new application would be required, and determined on its merits. Any aspects related to the safety of the site are understood to be dealt with by the Health and Safety Officer and Trading Standards.

4.8 Taking account of current noise levels associated with the garage and Mill Lane after 7.00 a.m. it is not considered that the extension of delivery times will cause significant additional disturbance to nearby residents. It is accepted that it would be unreasonable to extend delivery time for fuel tankers to before 7.00 a.m. without

significant justification. However, during the morning once the petrol station and associated shop is open the noise 'climate' changes and in this context the delivery of fuel between the hours of 7.00-8.00 a.m. does not seem unreasonable or unduly harmful to neighbours' living conditions.

5.0 CONCLUSION

5.1 For the reasons given above it is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

- 1 The delivery of fuel for vehicles shall be restricted to the following times:
07:00 -18:00 Monday to Friday and 09:00 - 13:00 Saturdays and not at all on Sundays and Bank Holidays.

Reason: For the avoidance of doubt.

- 2 Fuel delivery vehicles shall not use reversing beepers or other similar audible reversing warnings between the hours of 07:00-08:00.

Reason: To protect neighbours' living conditions.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' living conditions. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

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