



Appeal Decision

Site visit made on 22 April 2022

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2022

Appeal Ref: APP/V2004/W/21/3288002

Crown Hotel Public House, Marfleet Lane, Hull, HU9 5TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adnan Khan against the decision of Kingston-Upon-Hull City Council.
 - The application Ref 21/01067/FULL, dated 19 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is change of use of land at the rear of Crown Public House to hand car wash area with the erection of staff building. Proposal would remove 11 shipping containers.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land at the rear of Crown Public House to hand car wash area with the erection of staff building at Crown Hotel Public House, Hull, HU9 5TF in accordance with the terms of the application, Ref 21/01067/FULL, dated 19 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 106/01, 106/02A & 106/3B.
 - 3) The premises shall only be open between the following hours: 08:30-18:00 Mondays – Saturdays and 0900 - 1800 on Sundays and public holidays.
 - 4) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from hardstandings equal or greater than 800 square metres, shall be passed through trapped gullies and an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Preliminary Matters

2. I have removed reference to the shipping containers from the formal decision as planning permission is not required to remove the shipping containers which according to the Council do not have planning permission in any event.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. There are 2 reasons for refusal, both of which relate to highway safety. I shall deal with each of them in turn. Firstly, the issue of the effect of traffic exiting the site on highway safety and secondly the effect on highway safety of potentially displacing parked vehicles from the site onto surrounding streets.
5. The appeal is located to the rear of an existing public house and other businesses, such as a barber's shop and a fish and chip shop. It is within a local shopping centre as defined on Hull Local Plan 2016-2032 (Local Plan) proposals map. Also adjoining the site are two storey dwellings. The site is close to Preston Road and Marfleet Lane crossroads which are controlled by traffic lights.
6. Traffic would enter the site from Preston Road and pass through the single cleaning station and then exit onto Marfleet Lane. Both are existing vehicular accesses. The appeal site would have originally been used as a car park and service area for the pub. I saw when I visited the site that there is little space to be able to park at present due to a palisade fence dividing the area. This small area would remain available for parking associated with the public house.
7. I visited the site mid-morning on a Friday and stood near to where the vehicles would exit the site and observed the flow of traffic on Marfleet Lane. I saw that traffic in this area is very busy. There is a constant flow of traffic along Marfleet Lane passing by the site exit, except when the traffic lights change and at this point there is a break in traffic that would allow ample time for at least one or two vehicles to safely exit the site.
8. The transport assessment submitted by the appellant estimates that at most there would be less than 4 vehicle departures every 15 minutes. From what I observed which I visited the site this would be very unlikely to be detrimental to highway safety.
9. In terms of car parking for the public house, a small area at the rear would be retained and this would be sufficient for staff and those living in the accommodation above the public house. It is in a built-up area with lots of housing close by. According to the appellant the pub is used mainly by locals who walk to the premises. This was my impression of the business when I visited the site. I am satisfied, based on the evidence before me and my visit to the site that the proposal would not result in cars parking indiscriminately in the surrounding area because of a lack of car parking at the public house.
10. Whilst Local Plan policy 32 requires development to comply with parking standards set out in the appendix C to the plan, it does say they will be applied flexibly. The plan also reiterates what is said in the Framework at paragraph 107. This advises that parking standards should take account of the accessibility of the development. The public house is located in a defined local shopping area in a built-up urban area. Overall, I am satisfied that the proposal would accord with policy 32.
11. To conclude on my main issue, I find that the proposal would accord with Local Plan policy 26 in so far as it seeks to deliver proposals that are acceptable in terms of traffic generation and road safety and policy 32 for the reasons set out above.

Other Matters

12. A number of concerns have been expressed by local residents. In terms of noise and disturbance the proposal would undoubtedly generate some noise, but the hours of operation could be controlled by planning conditions to daytime hours. Whilst the area at present is not used as a car park for the public house this could happen, with coming and goings and car noise late at night. Also, the scale of the operation is limited to one car wash shed which would be partially enclosed. This would limit the noise and disturbance. In addition, this is a busy urban area with numerous businesses, including a supermarket nearby, and the background noise levels reflect this. Taking all of this into account I find that the proposal would not result in harmful levels of noise and disturbance for nearby residents.
13. Whether there are already enough car wash businesses in the surrounding area is not a matter for me to determine. National planning guidance nor the Local Plan seeks to control the amount of such businesses and the site is located in an urban area containing a mix of commercial and residential properties. As such the principle of such a use would be acceptable.

Conditions

14. I have imposed a condition to restrict the operational business hours, in order to protect the living conditions of local residents. It is also necessary to ensure the development is carried out in accordance with the submitted plans, to protect the character and appearance of the local area and the local living conditions. A condition to protect the water environment is necessary. I have amended the Council's suggested condition slightly so as to be relevant to the approved scheme and to provide certainty.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

Louise Crosby

INSPECTOR