

**APPLICATION NO** PA/2013/1346

**APPLICANT** North Lincs Property Holdings Ltd

**DEVELOPMENT** Planning permission to retain the change of use to a builder's yard, demolish an existing builders' store and erect a replacement building to be used in conjunction with the builders' yard, and construct two aggregate bunkers

**LOCATION** Land to the rear of Teggs Garage, Station Road, Epworth

**PARISH** EPWORTH

**WARD** Axholme Central

**CASE OFFICER** Andrew Law

**SUMMARY RECOMMENDATION** Refuse permission

**REASONS FOR REFERENCE TO COMMITTEE** Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 outlines a presumption in favour of sustainable development.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

**North Lincolnshire Local Plan:** Policy DS1 (General Requirements)

Policy DS11 (Polluting Activities)

Policy T2 (Access to Development)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS11 (Provision and Distribution of Employment Land)

## **CONSULTATIONS**

**Highways:** No objection.

**Environmental Health:** The site is located close to residential properties and there is the potential for residents to be disturbed by dust and noise. Environmental Health suggest

various conditions to protect the amenity of residents should planning permission be granted.

## **TOWN COUNCIL**

Object to the change of use of the site as an inappropriate use next to a residential area; the proposed buildings are too close to residential properties such as to cause noise disturbance and pollution. Access across the busy garage forecourt and shop is unsuitable in an area already congested. Previous applications have been refused on the grounds of unsuitable access.

## **PUBLICITY**

Neighbouring properties have been notified and objections have been received raising the following concerns:

- Residential properties are very close to the site and the use as a builder's yard will result in increased noise levels from the site due to vehicles and machinery moving about and the loading and unloading of aggregates.
- The proposed use will result in dust from aggregates being moved about and pollution from vehicles and machinery thus resulting in a reduction in air quality.
- Noise and dust will prevent the occupiers of neighbouring properties from enjoying their gardens.
- The proposed hours of use include the early evening and Saturdays which will exacerbate the loss of amenity.
- How can noise management prevent disruption in what would largely be an open air building site?
- The proposed building will invade the privacy of neighbouring properties.
- The use as a builder's yard has already resulted in the site becoming an eyesore with building materials being stored in an untidy manner. This will be exacerbated if the building and silos are allowed.
- The proposed development will result in a reduction in house prices for properties surrounding the site.
- Extra traffic crossing the petrol station forecourt could pose a significant risk to pedestrians in an already congested area.
- The proposed building is much larger than the existing building which is in essence a double garage. This larger building would be an eyesore for neighbouring residential properties.

## **ASSESSMENT**

This application was deferred at the last meeting of the Planning Committee to enable members to undertake a site visit prior to making a decision.

The application site is a piece of land to the rear of the petrol station on Station Road, Epworth. The site is bounded by an engineering workshop to the north, the petrol station to the south and relatively modern residential estates to the east and west. There is an existing storage building in the north-eastern corner of the site, which is accessed via a private road running along the western boundary of the site between Station Road to the south and the adjacent engineering workshop to the north. The site has recently been used for the storage of building materials without the benefit of planning permission. This application seeks planning permission to retain the use of the site as a builder's yard, to demolish the existing store building and replace it with a larger storage building and to erect two aggregate silos.

**The main issue in the determination of this application is whether the proposed development would have an unacceptable impact on the amenity of neighbouring residential properties.**

The proposed builder's yard use will incorporate the storage of building materials, aggregates, tools and machinery. The applicant has stated that this use will generate three full-time jobs and two part-time jobs locally. It is proposed to use the site between the hours of 7.30am and 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no usage on Sundays. The site will gain access from Station Road via an existing private road which runs alongside the petrol station to the south and leads to the engineering workshop to the north. The applicant makes reference to the site as an existing builder's yard; however there is no record of planning permission ever being granted for this use and it is understood that this use was only established in recent months.

The site is bounded by relatively modern residential housing estates to the east and west and is extremely close to neighbouring residential properties. Properties on Harris Gardens to the east are particularly close, with dwellings backing directly onto the site and a distance of approximately 5m between the nearest property and the proposed storage building. The council's Environmental Health department has been consulted on the application and whilst they have not objected to the proposed development they have identified that the site is located close to residential properties and as such there is the potential for residents to be disturbed by noise and dust from the use of the site as a builder's yard. Environmental Health have suggested several conditions be imposed should the development be approved, including conditions requiring noise and dust mitigation schemes to be agreed. However it is difficult to see, given the proposed use of the site and its extreme proximity to residential properties, how it will be possible to mitigate noise and dust on the site to an acceptable level.

It is considered that the use of the site as a builder's yard, with associated movements of vehicles and machinery, would result in an unacceptable nuisance to neighbouring residential properties due to increased levels of noise and dust. This impact would be exacerbated by the extreme proximity of neighbouring properties, particularly those on Harris Gardens to the east, and such proximity would prevent adequate mitigation of this nuisance. The adverse impact upon the amenity of neighbouring dwellings is deemed to outweigh any benefits of the proposal with regard to jobs created. The proposed development would therefore be contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan, both of which seek to protect the amenities of neighbouring land uses from being adversely affected by new development.

**RECOMMENDATION      Refuse permission for the following reasons:**

The proposed development would be likely to result in nuisance to neighbouring properties as a result of noise and dust generated by the use of the site as a builder's yard and the associated operations. The proposal is therefore contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2013/1346

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Date: 20/03/2014

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