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| <b>APPLICATION NO</b>  | <b>PA/2014/0381</b>  |
| <b>APPLICANT</b>   | Mr J Burns, J J Equestrian   |
| <b>DEVELOPMENT</b>   | Planning permission to construct a new vehicular access dedicated to the business    |
| <b>LOCATION</b>  | J and J Equestrian Stables, Thornton Road, Goxhill                                   |
| <b>PARISH</b>  | <b>GOXHILL</b>   |
| <b>WARD</b>  | Ferry  |
| <b>CASE OFFICER</b>  | Scott Jackson  |
| <b>SUMMARY RECOMMENDATION REASONS FOR REFERENCE TO COMMITTEE</b> | <b>Grant permission subject to conditions</b><br>Objection by Goxhill Parish Council |

## UPDATE

A decision was deferred on this item at the previous Planning Committee meeting on 27 August 2014, as members felt that an alternative vehicular access point for the business should be considered. Following the deferral of this item a request was made to the applicant's agent to reposition the vehicular access for the business. An amended plan was received, showing the vehicular access repositioned 15 metres further to the north, opposite the objector's bungalow. This amended plan has been sent for further consultation. Any correspondence received in relation to this amended plan will be noted and a verbal update given to members at the meeting on 24 September 2014.

## POLICIES

**North Lincolnshire Local Plan:** Policy T2 (Access to Development) states that all development must be provided with a satisfactory access. In larger developments it should be served adequately by the existing highway network.

Policy DS1 (General Requirements) states that a high standard of design is expected in all developments in the countryside. The proposal shouldn't result in unacceptable loss of amenity to neighbouring land uses through noise, smell, fumes, dust or other nuisance or through the effects of overlooking and overshadowing.

Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is employment-related development appropriate to the open countryside, provided that the development would not be detrimental to residential amenity or highway safety.

**North Lincolnshire Core Strategy:** Policies CS1, CS2 and CS3.

**National Planning Policy Framework:** Core Planning Principles 3, 4 and 7.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions (3 and 4).

## **PARISH COUNCIL**

Object to the application on the following grounds:

- (1) The existing access to the business and bungalow already comply with the Vehicle Access Standards as laid out in Planning Guidance.
- (2) The site lies outside the development boundary and on the approach road into the village. The parish council considers that the addition of a commercial work entrance will detract from the amenity of the area. Furthermore, it is not in connection with a business that is essential to agriculture or forestry.
- (3) The bungalow exists in conjunction with the equestrian business. The occupants should therefore be able to regulate their own domestic and business arrangements. The parish council does not wish to see any permission granted which might lead to the dwelling being separated from the business.
- (4) The applicant has permission to operate mini diggers, a commercial vehicle, micro dumper, one dumper and transporter vehicle from the site under planning consent 2008/0584. The parish council considers that the addition of a vehicular access dedicated to this business will adversely harm the character and amenity of the open countryside.
- (5) The disturbance and intensification of use of commercial activities at this site would adversely affect the living conditions of the property 'Orchard Lodge' in terms of noise and traffic movement. There are two businesses operating from this site – J J Equestrian and Burns Plan Hire – both of which operate 7 days per week. Orchard Close would end up closer to traffic disturbance from the proposed access, than the J J Equestrian associated dwelling currently is now.

## **PUBLICITY**

Neighbouring properties have been notified. One objection has been received from the occupier of Orchard Lodge on following basis:

- (i) The property and its occupants are tied to the equestrian business on the site. The applicant should expect to suffer an amount of disturbance related to the business.
- (ii) The new site entrance would transfer this disturbance immediately opposite the objector's bungalow.
- (iii) The existing access and visibility splays already comply with the vehicular access standards as laid out in the Planning Service Development Control Advice Note 15.
- (iv) Drivers use national speed limits as a visual indicator to accelerate and slow down – by moving the access it moves it closer to where traffic speeds up.

- (v) Speed checks show that 479 cars were speeding along Thornton Road on a daily basis.
- (vi) There are no restrictions for erecting a fence around the applicant's existing bungalow.
- (vii) Safety would not be improved, it would be worsened.
- (viii) Two businesses operate from the site, 7 days a week.
- (ix) The solution would be to erect fencing around the applicant's bungalow.

One letter of support has also been received.

## **ASSESSMENT**

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

The application site consists of a commercial horse-riding establishment known as J J Equestrian. The same site is also used for the storage of mini diggers, micro dumpers and a transporter vehicle. The site contains stables and a ménage, used for commercial purposes, together with the applicant's bungalow. The site is located behind a row of trees and hedges along its western boundary with Thornton Road. The site is located in the open countryside, to the south-east of Goxhill, close to the cross roads where Thornton Road meets with Gatehouse Road and Barrow Road. There are two residential properties located to the west of the site; these are detached bungalows set within spacious plots.

**The key issues in the determination of this planning application are the principle of development and whether the proposal would be detrimental to highway safety and residential amenity.**

### **Principle**

The proposal is for a new vehicular access to serve the equestrian business at the site. The existing access will also be retained to serve the applicant's bungalow. The reasoning given for the creation of the new vehicular access is to provide differentiation between the entrance to the business and to the bungalow and to create some privacy for the occupants of the bungalow and their children. It is considered that the proposal is for development relating to an existing employment use in the countryside and to serve a business which is for outdoor recreation. The proposal will not serve a business which is related to agriculture or forestry purposes, it will serve an existing equestrian business. This directly relates to the provision of outdoor sport/countryside recreation, therefore the principle of a new access in this open countryside location is considered to comply with the guidance set out in policy RD2 of the adopted local plan. The impact on highway safety will be discussed in detail in the subsequent section of this report.

### **Highway safety**

The proposal will result in the creation of a new access onto Thornton Road. This single lane carriageway has a speed restriction of 30mph. This limit increases to the national speed limit of 60mph to the south of the proposed access. The vehicular access will be

4.8m in width and the necessary visibility splays can be achieved to the north and south of the site along Thornton Road. No objections have been raised by the council's Highway Officer in relation to the proposed vehicular access and conditions have been recommended in relation to no loose material being placed on the access/parking area within 10m of the public highway and the method of constructing the access across the existing ditch, including culverting of the watercourse. It is worth noting that the proposed vehicular access and its proximity to existing accesses and the speed limit along Thornton Road has been considered in the consultation response received from the Highway Officer, therefore the issues raised in relation to highway safety, visibility, road speeds and accidents have been considered. Owing to the lack of an objection from the council's Highway Officer the proposed vehicular access to serve the business is considered to be acceptable on highway safety terms.

The existing access serving the site will remain compliant with highway standards.

### **Residential amenity**

It is accepted that the proposed vehicular access will be located opposite or close to the access serving the objector's property. The proposed access will be located 23.5m to the south of the applicant's existing driveway. This access will generate traffic movements associated with the business; this includes staff, deliveries and customers. The creation of a new access will not increase the number of vehicular movements to and from the site; it will effectively result in the transference of this traffic to a new vehicular access. The objector's bungalow is already located opposite the site, therefore they already experience a degree of disturbance from the use of this existing access. This level of disturbance is not considered to increase above that already experienced by the objector. Furthermore the applicant resides at the site, therefore they are still able to monitor traffic movements to and from the site, including those vehicles which may be of a larger, bulkier nature. The traffic associated with the business will still access the site, albeit via a new vehicular access proposed to the south-west of the dwelling. The applicant will therefore still experience some degree of disturbance to their property.

The proposal includes the provision of a new fence and gated access, together with a pedestrian link between the applicant's bungalow and equestrian business. The provision of this boundary treatment, together with the creation of the new access, will reduce the amount of traffic entering the site, thereby improving the residential amenity of the applicant. It is acknowledged that a fence could be erected around the perimeter of the applicant's bungalow, however this matter has been considered as part of these proposals, particularly as it forms part of the justification for the creation of the vehicular access to serve the business.

### **Other issues**

The proposal involves the removal of a section of hedge and trees to facilitate the creation of the vehicular access. It is worth noting that only a small section of hedge will be removed, therefore the character and appearance of the countryside will remain relatively unaltered in this case. A restrictive condition is imposed on the occupation of the applicant's bungalow to any person employed in equestrian practises, therefore the occupation of the bungalow will remain unaltered as a result of the proposals. The creation of the new vehicular access will not separate the house from the business, it creates a second useable access which is specifically proposed to serve the business established at the site.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1189/002B.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until details of the method of constructing the vehicular access to the site, including the culverting of the drainage ditch, have been submitted to and agreed in writing by the local planning authority. The vehicular access shall be constructed in accordance with the approved details and thereafter retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

**Informative 1**

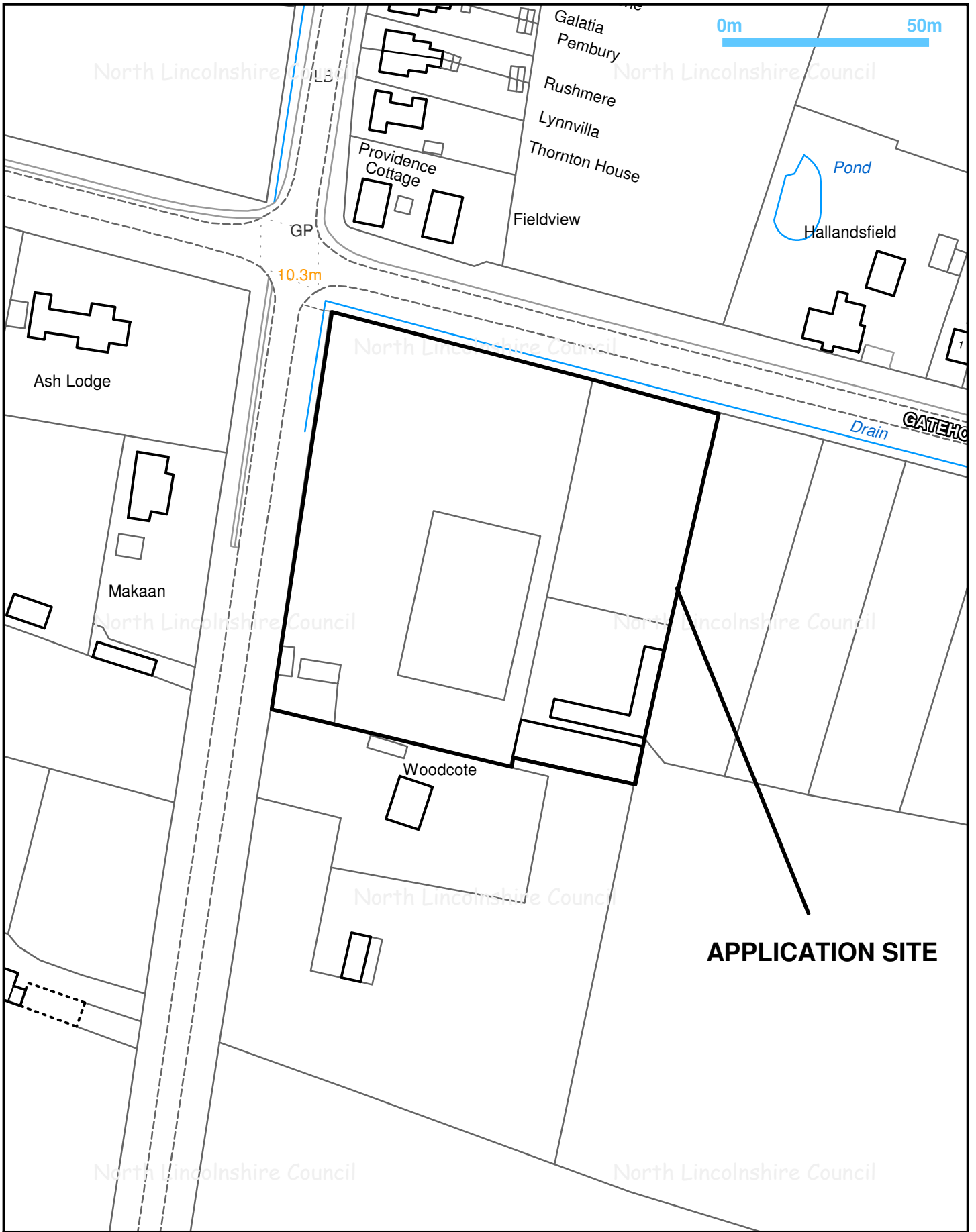
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.



**Informative 2**

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.



**APPLICATION SITE**

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| Drawn by: Sue Barden  | Date: 15/07/2014   | Scale 1:1250  |  |
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