

<b>APPLICATION NO</b>	<b>PA/2015/0370</b>
<b>APPLICANT</b>	Mrs H Cheyne
<b>DEVELOPMENT</b>	Planning permission to retain a static caravan, wooden fence and raised decking, and change the use of land to a dog grooming salon
<b>LOCATION</b>	Land opposite 21 Manchester Square, New Holland
<b>PARISH</b>	<b>NEW HOLLAND</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Ann Scott
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 relates to sustainable economic growth which should be supported through the planning system.

**North Lincolnshire Core Strategy:** Policies CS1 (Location of development), CS2 (Delivering more sustainable development) and CS5 (Delivering quality design in North Lincolnshire) apply.

**North Lincolnshire Local Plan:** Policy DS1 expects high standards of design in all developments in both built-up areas and the open countryside. New development should ensure that the quality of the design is acceptable and reflects or enhances the character, appearance and setting of the immediate area. Policy DS1 also stipulates that no unacceptable loss of amenity should occur to neighbouring land uses as a result of new development.

Policy DS4 relates to changes of use in a residential area.

## **CONSULTATIONS**

**Environmental Health:** This development is immediately adjacent to neighbouring residential properties. There is therefore the potential for noise disturbance from dogs barking. Recommend conditions relating to hours of operation.

**Highways:** No objections.

## **PARISH COUNCIL**

Objects to the application as a residential caravan does not fit the street scene and visual amenity of the area. Business premises should be built in a material more suited to its location. The parish council believes it is contrary to LC11 of the local plan as the site is an important amenity area and development should only be carried out where it would not adversely affect the open character, visual amenity or wildlife value, or compromise the gap between existing land uses; also LC4 as the development would have an adverse impact on the conservation of the area. The development is not sustainable as the structure is not intended for this type of business and in the long term would degrade; it is also a low quality design.

## **PUBLICITY**

Neighbouring properties have been notified. Nine letters of objection have been received and a petition signed by 80 people who do not give their address but object to the proposal.

Comments in the nine letters of objection relate to the following:

- not in keeping with the area
- increase in traffic
- waste disposal
- water and sewage system not being able to cope
- unsightly caravan not in keeping with the local area
- an existing commercial building would be more appropriate for the use
- noise and disturbance to residents
- loss of an open area
- no off-road parking
- the adjacent lane provides access for residents and users of the premises would use that lane for parking, blocking the access
- the immediate area is already used by employees of nearby large companies to park, causing congestion
- not in keeping with the historic character of the nearby terraces.

Four letters of support have also been received for the dog grooming business which will be welcomed in the village and would be of benefit to the area. The site is much improved from a visual point of view.

## **ASSESSMENT**

### **The proposal**

The application site is inside the development limits for New Holland, but is on an area of unused land close to the existing dwellings on Manchester Square, New Holland, a minimum growth settlement as defined in the North Lincolnshire Local Plan and the Core Strategy.

### **Planning policy**

The relevant planning policies in relation to this application are CS1 and CS5 of the Core Strategy and T2, T19, DS1, and DS4 of the North Lincolnshire Local Plan (NLLP). In relation to the National Planning Policy Framework (NPPF), paragraphs 19 relating to supporting sustainable economic growth and 56 relating to good design apply. In policy terms there are no objections in principle to the proposal subject to conditions to ensure that hours of operation are controlled as recommended by the Environmental Health Officer and are adhered to in order to ensure that there are no adverse effects on surrounding properties in terms of noise/disturbance in the interests of the residential amenities of the nearby dwellings and the overall protection of the amenities of the locality.

### **Residential/visual amenity**

The proposal should not affect the existing residential amenities of the locality if the hours of operation recommended by the Environmental Health Department are adhered to. It is considered, given the temporary nature of the building sited on the land, that in order to ensure that the applicant's business is given the opportunity to grow and to ensure that the business is carried on without any undue detriment to the character of the area or loss of amenity to surrounding properties, a temporary consent should be given for two years.

It should be made clear, however, that the use of the temporary caravan for the business would not be suitable for a permanent permission on the site and that once the two year period was up the council may not be prepared to grant a further consent and the site should then be cleared and restored back to a suitable condition. A condition requiring a scheme of restoration and remediation can be attached, as more permanent premises in a suitable location should be sought by the applicant. This is in accordance with advice given in paragraph 19 of the NPPF in relation to supporting sustainable economic growth. Economic growth should be supported through the planning system.

The parish council objects to the proposal and considers the use would be inappropriate in this location and that a temporary building would set a precedent for further similar uses. However, in this instance, whilst visual amenity has been carefully considered, it is felt that as the site has been tidied up as a result of the installation of the caravan notwithstanding, the previous untidy state of the land, the council would only be prepared to grant a temporary consent due to the temporary nature of the caravan and fencing proposed to be retained on the site. Precedent is not considered to be an issue in this instance as officers are considering carefully advice given in the NPPF in relation to supporting sustainable economic growth.

It is considered that granting a temporary consent for the use to enable the business to be supported by the council in accordance with the NPPF is appropriate in this case and will not set a further precedent for future applications. In this case no exceptional circumstances

have been put forward to consider anything other than a temporary consent for two years only. The application site is already opposite a scrap metal recycling yard which can be a noisy activity when in operation and it is considered that with a restriction on the hours of operation of the use the existing amenities of the locality would not be the subject of additional noise and disturbance to the detriment of surrounding occupiers who are already affected by other existing commercial uses in the locality.

### **Conservation issues**

The parish council considers that the proposal is contrary to policies LC4 (Development affecting sites of local nature conservation) and LC11 (Areas of amenity importance) of the NLLP. Neither of these policies are considered to be relevant in this case as whilst the site has some amenity value as an open area of unused land, due to the character of the site before it was developed it is unlikely that it contributed to any form of nature conservation or particular amenity value as it was in a relatively untidy state prior to the applicant placing the caravan and fencing on the site. It was used for vehicle storage and parking and was fenced off by temporary fencing. It is considered that the reinstatement of the land should be carried out in an appropriate manner and it should be returned to a grassed area as discussed in the residential amenity section.

### **Drainage/waste**

It is considered appropriate to request details of a satisfactory scheme of sustainable drainage to be submitted and agreed in writing within one month of the grant of permission. The applicant has indicated that surface water will be disposed of by a sustainable drainage system, however foul water will be disposed of by connection into a mains sewer. The applicant has indicated that waste dog hair from the grooming process will be collected and disposed of via a council business bin. In order to ensure this, a condition should be imposed requiring details of the method and means of the disposal of waste to be submitted and agreed in writing within one month of the grant of permission. The Environmental Health Officer has not required any conditions in relation to the storage and disposal of waste. However in this instance, to ensure that the methods the applicant has stated are satisfactory, it is considered appropriate and reasonable to request confirmation in writing within one month of the grant of planning permission in order that the use of the premises is not held up given that the planning permission is temporary for two years and in order to protect the existing amenities of the locality and in accordance with policy DS1 of the NLLP.

### **Highways**

Comments have been received from the highways officer who does not wish to restrict the grant of permission. There are a number of objections from surrounding residents in relation to the potential for an increase in traffic and congestion in the area due to on-street parking. It is considered that the existing on-street parking availability is at a satisfactory level which would not adversely affect the existing highway safety of the locality and the proposal accords with policy T2 (Access to development) and T19 (Car parking provision and standards) of the NLLP.

### **Conclusion**

The application is considered to be acceptable and complies with relevant planning policies contained in the Core Strategy, the North Lincolnshire Local Plan and advice given in the

National Planning Policy Framework. The application is recommended for approval subject to the conditions referred to above.

**RECOMMENDATION      Grant permission subject to conditions:**

1.

The development shall be carried out in accordance with the submitted drawings and particulars unless otherwise agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the agreed amended details.

**Reason**

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

2.

The use hereby approved shall only operate between the hours of 8am to 2pm Monday to Saturday, and shall not operate at all on Sundays or Public/Bank Holidays.

**Reason**

This condition is imposed to minimise the impact of the development on adjacent properties in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

3.

Within two months of the date of this permission a management plan for the detail and methods of the disposal of waste shall be submitted to and agreed in writing with the local planning authority and implemented thereafter for as long as the site is used for the use in connection with dog grooming, unless otherwise agreed in writing with the local planning authority.

**Reason**

To minimise the impact of the development on adjacent properties in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

4.

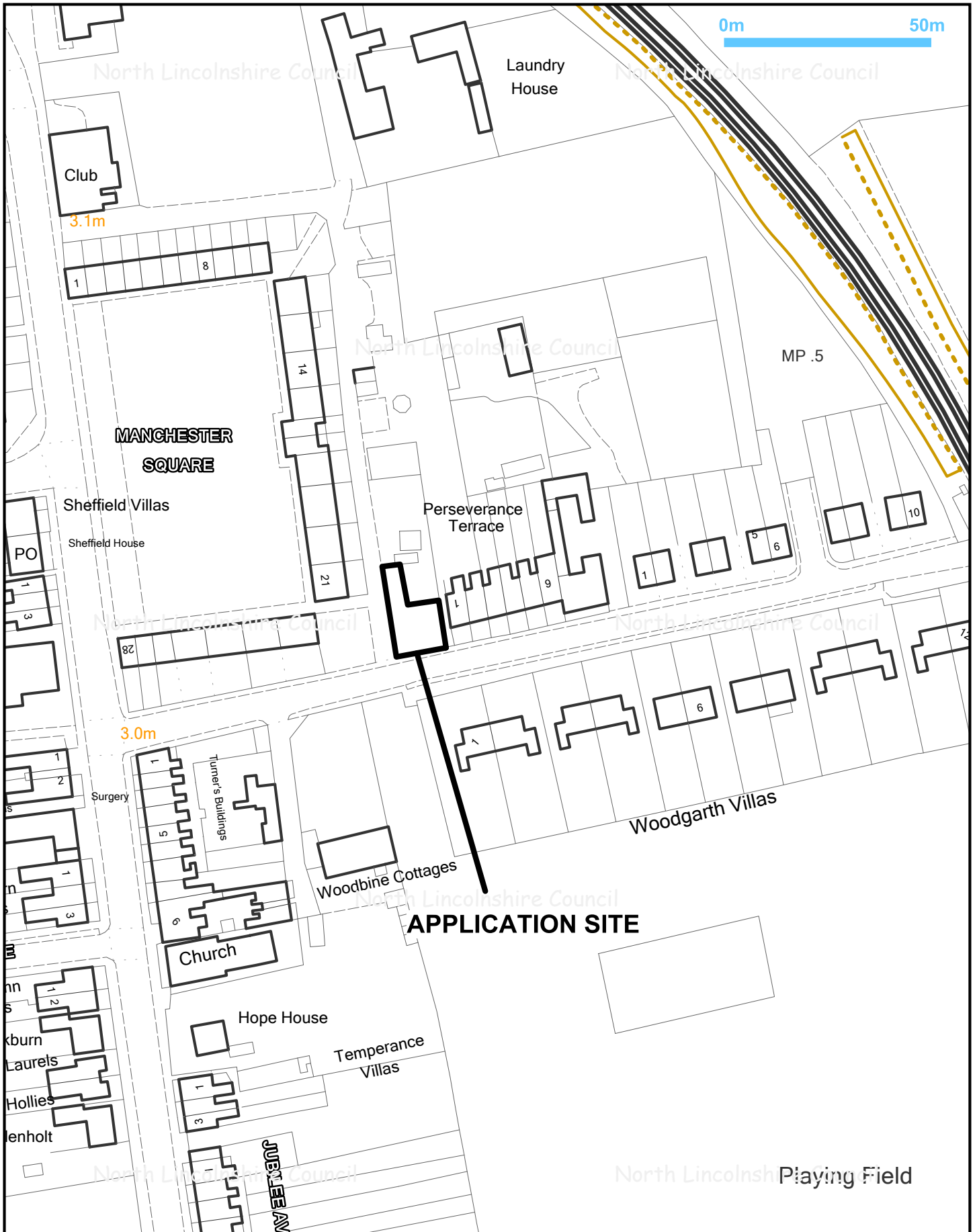
The use hereby approved shall be discontinued and the caravan permanently removed from the site on or before two years from the date of this permission and the land shall be restored to a satisfactory condition in accordance with details to be submitted to and agreed in writing with the local planning authority before restoration is commenced.

**Reason**

The local planning authority is only prepared to grant a temporary permission in this instance due to the temporary nature of the caravan and fencing structures which are proposed to be retained in connection with the use hereby approved, in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan, and to enable the applicant to find alternative permanent premises.

**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.



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PA/2015/0370 Photograph showing site

