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| <b>APPLICATION NO</b>                     | <b>PA/2017/1159</b>  |
| <b>APPLICANT</b>                          | Mr Deighton Royle, Lincs Auctions  |
| <b>DEVELOPMENT</b>                        | Planning permission to retain the change of use of a building for use as an auction room |
| <b>LOCATION</b>                           | Grainstore, Marsh Lane, Barnetby   |
| <b>PARISH</b>                             | Barnetby le Wold   |
| <b>WARD</b>                               | Brigg and Wolds  |
| <b>CASE OFFICER</b>                       | Andrew Willerton   |
| <b>SUMMARY RECOMMENDATION</b>             | <b>Refuse permission</b>   |
| <b>REASONS FOR REFERENCE TO COMMITTEE</b> | Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)     |

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means approving proposals that accord with the development plan without delay or where the development plan is absent, silent or out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 28 states that support should be given to the growth and expansion of all types of business and enterprise in rural areas including through the conversion of existing buildings. The development of local services within villages should be promoted.

Paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken to limit significant impacts of the development.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

### **Housing and Employment Land Allocations DPD:**

Inset Map for Barnetby le Wold

### **North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD6 (Re-use and/or Adaptation of Rural Buildings from Industrial and Commercial uses in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

### **CONSULTATIONS**

**Highways:** Recommend refusal of the application for two reasons. Firstly, the existing infrastructure servicing the proposed development is insufficient to cater for the additional traffic flows likely to be generated by the proposal which would create potential conflicts that would represent a hazard to road safety and cause damage to the highway. Secondly, the level of on-site parking facilities are insufficient and the proposed development would lead to overspill parking on the adjacent track and highway verge which would represent an obstruction to the free flow of traffic leading to potential hazards to other road users and cause damage to the highway.

**Drainage:** No comments received.

**Environmental Health:** Notes the level of local objection to the proposal which appears to relate to traffic congestion and highway safety. Acknowledges that there is potential for this type of activity to impact amenity due to noise and fumes from vehicles on the highway. States that if permission were to be granted the department would not have powers to reduce or control such matters. Recommends a condition to restrict the opening hours of the site to between 10am and 4pm on Monday, Tuesday, Wednesday, Friday, Saturday and Sunday if permission is to be granted.

**Ecology:** No objection, but advises conditions.

**Public Rights of Way:** No comments to make.

## **PARISH COUNCIL**

Objects to the proposal as it is felt the way the application was submitted was unlawful and Marsh Lane is not a road that could handle the volumes of traffic. Support is given to the various other concerns that the residents of Barnetby have raised.

## **PUBLICITY**

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. Two petitions have been received. One petition supports the scheme and has 82 signatures and another, with 24 signatures, requests the removal of the stop notice. A further 40 letters of comment have been received from 43 individuals, of which 35 object to the proposal and 3 support the development. Two of the letters make general comments. The letters of objection raise the following issues:

- highway safety concerns – Marsh Lane is a single track with no passing places; it has a high verge to one side and a deep ditch to the other
- Marsh Lane is used for walking, cycling and horse riding; it forms part of the Viking Way and is a bridleway
- increase in antisocial behaviour
- increase in vehicular traffic
- the number of vehicles visiting the site is more than the 50 to 60 vehicles stated and is rising as the number of auctions continues
- there is insufficient space to park 50 to 60 vehicles on the site and the space is reduced further if caravan and cars are included in the auction
- the number of vehicles will increase if the auction continues to gain popularity
- lack of access for emergency services to the quarries, railway, sewerage works if cars block Marsh Lane
- Marsh Lane is not in a good state of repair and the problem will be exacerbated by increased traffic
- noise and disturbance to properties on Marsh Lane caused by the increase in vehicular movements

- when sales are held on Mondays people are arriving on site well before the hours stated on the application form
- Skeggar Beck is within 20 metres of the property and the form is incorrect in stating there are no watercourses within 20 metres of the site
- possible water contamination to Skeggar Beck if there is any leakage or discharge of waste from the site
- flooding issues
- increase in litter
- environmental impacts – there are no toilet facilities on site
- no benefits to the local community
- retrospective planning
- questions whether the applicant has other requirements in place such as insurance.

## **ASSESSMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising of the Planning Practice Guidance (PPG).

The application site is a former grainstore, adjacent to the sewage treatment works, Marsh Lane, Barnetby. The site is located approximately 800 metres from the edge of the settlement and is accessed by a sealed, single track, unclassified road. The building itself is a modern steel portal-frame agricultural building. The site is bounded by a steel palisade fence with an area of hardstanding to the front and hardcore to the west used for car parking. Planning permission is sought to retain the change of use of the building for use as an auction house.

**The main issues for consideration with regard to the determination of this application are: whether the change of use of the grainstore to an auction house is, in principle, acceptable at this location; whether the auction house would be to the detriment of highway safety; and whether the auction house would harm residential amenity.**

### **Principle**

The site is outside the HELA DPD defined development limit for the settlement and is, for the purposes of planning, considered to be within the open countryside. NLCS policies CS1, CS2 and CS3, in addition to NLLP policy RD2, govern the types of development that

are acceptable in the open countryside. Policies CS2 and CS3 generally restrict development in such a location to that which is for the purposes of agriculture or forestry, uses that require a countryside location, or for the development of the tourism industry. Whilst the use of the grainstore is not considered to constitute such development, NLCS policy CS1 does permit other uses where they would occupy an existing rural building, as does NLLP policy RD2. Local planning policy indicates that a change of use of a vacant agricultural building to an alternative commercial use is acceptable.

NLLP policy RD6 is most relevant with regard to the determination of this proposal as it governs alternative commercial uses of agricultural buildings in the open countryside. The policy requires the building to be capable of conversion without substantial alteration. The building is visibly of substantial construction and capable of conversion without significant alteration to be an auction house and no external alterations or extensions are proposed by the application. The council's Ecologist has been consulted and has raised no objection to the proposal. It was noted in the Ecologist's response that the steel portal-framed building with a sheeting roof would have negligible biodiversity value.

Paragraph 28 of the NPPF is clear that support should be given to all types of businesses that operate in the open countryside. In principle, it is considered that the change of use of a redundant agricultural building to an auction house accords with planning policy and is generally acceptable.

## **Highways**

The site is accessed from the settlement of Barnetby by Marsh Lane and is approximately 800 metres from the edge of the settlement boundary. Marsh Lane is a single track sealed road which is unclassified, the majority of which is adopted by the local highway authority. An area of hardcore exists to the west of the building which the applicant states is used for car parking for 60 vehicles although this has not been substantiated as no car parking plan has been provided. A supporting statement has been provided which states that additional parking is available on verges if necessary and that there are a number of passing places along Marsh Lane in addition to a field access which could also be used. It is noted that a significant amount of objection to the proposal has been raised on highway grounds.

The Highways team has been consulted and the Highways Officer notes that Marsh Lane is a single track road which serves a number of residential dwellings and the sewage treatment works. The adopted portion of Marsh Lane ceases just before the sewage treatment works and forms an unmade track from this point.

The Highway Officer does not consider that the area identified for use as vehicle parking could accommodate the number of vehicles stated, even if an informal parking arrangement was applied. As such the Highways Officer considers that the proposal would result in overspill to the adjacent track/highway which would have the potential to impact other road users and cause damage to verges. The Highway Officer continues to state that when the auction house was in operation, Marsh Lane had deteriorated since an initial visit, to the point where maintenance works needed to be carried out by the Highway Authority. The officer also notes that the number of vehicular movements at the site are likely to occur at a similar time and that it therefore cannot be guaranteed that there will be no conflicts with other road users and to that end has recommended refusal of the proposal.

The applicant, within the supporting statement, has referred to planning permission for a wedding marquee at Rookery Farm, Railway Street, which was granted a temporary

planning permission under PA/2012/1010 and subsequently a permanent permission under PA/2015/0036. It is acknowledged that Railway Street is also a single track road which is similar to Marsh Lane. However, each application must be determined on its own merits, although it is noted that the wedding marquee is limited in use for only 12 functions per annum.

### **Amenity**

The applicant has clarified that the auction house would be open five days a week for the delivery and collection of goods on a Tuesday, Wednesday, Friday, Saturday and Sunday between the hours of 10am and 4pm. This is in addition to a weekly auction at the site to be held between the hours of 10am and 2pm on a Monday. The application site is approximately 550 metres from the nearest residential property on Marsh Lane although it is noted vehicles accessing the site would utilise Marsh Lane which would result in the effects of the proposal being much closer to residential properties.

The Environmental Health team has considered the proposal and has noted the high level of local objection to the proposal which primarily relates to traffic congestion and highway safety concerns. Although concerns have been raised in relation to noise, disturbance, and pollution created by an increase in traffic utilising Marsh Lane, the Environmental Health team has not objected to the proposal but has recommended a condition to control the operational hours of the auction house. Comments are noted within the letters of objection received which refer to the site operating outside of the stated opening hours within the form. However this matter can be controlled through the imposition of a planning condition which can be enforced to restrict the operational hours of the auction house including the associated delivery vehicles to the premises in addition to the number of auctions held. On the basis of the imposition of a planning condition, it is not considered that the proposal would result in a significant effect upon residential amenity.

### **Other matters**

A number of objectors have raised concerns with regard to possible environmental impacts of the proposal in terms of the effect of run-off from the site into the adjacent Skeggar Beck. The Ecologist has been consulted and, in the absence of any supporting information, has applied the precautionary principle and has recommended a condition to secure a 5 metre buffer between the site and Skeggar Beck so that no vehicle parking or storage of materials takes place in such a location. The Ecologist has also recommended a condition to secure biodiversity enhancement at the site through the provision of a woodcrete bat box. No comments have been received from the council's Drainage team or from the Environmental Health team in this regard.

The applicant has stated that foul sewage is to be dealt with by a cesspit and objections have been received on grounds related to this and the lack of toilet facilities at the site. The applicant has submitted a supporting statement which states that there is a permanent WC installed at the site which is connected to a septic tank. Although no details of the septic tank have been provided there is no objection in principle to this method of dealing with foul sewage.

Concern has been raised within letters of objection with regard to the effects of the proposal upon a public right of way that existing along the section of Marsh Lane directly adjacent to the application site. The Public Rights of Way Officer has been consulted and

has no comments to make with regard to the proposal as it is assumed that the owner of the building will already have the legal rights to utilise the route as an access.

Matters relating to an increase in antisocial behaviour in relation to users of the auction house, and questions as to whether the applicant has the correct insurance or other licences to operate, are not material to the determination of the application and cannot be considered for the purposes of planning. Likewise, the fact the application is retrospective has no bearing on how the application should be determined.

## **Conclusion**

Paragraph 28 of the NPPF is clear that all types of rural business should be supported and the proposal is considered, in principle, to be supported by local planning policy. It is noted that the proposal is supported by two petitions and additional letters of comment which note the economic benefits of the proposal and the re-use of a redundant building. These matters carry significant weight in support of the development.

However, upon consultation with the local highway authority, it is considered that the proposal would be to the detriment of the safe operation of the public highway. It is noted that a significant level of opposition has been received in relation to the impacts of the proposal on Marsh Lane. It is considered that the impacts the proposal has on the public highway outweigh its benefits and it is recommended that permission be refused on such grounds.

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

1.

The existing highway infrastructure serving the site in the form of Marsh Lane is insufficient for the traffic flows generated by the proposal. The development would therefore create potential traffic conflicts which would represent a hazard to road safety and cause damage to the highway. The proposal is therefore contrary to policy T2 of the North Lincolnshire Local Plan (2003).

2.

The site is served by an inadequate level of on-site parking and the proposed development would lead to overspill parking on the adjacent track and highway verge which would represent an unacceptable obstruction to the free flow of traffic, result in hazards to other road users and cause damage to the highway. The proposal is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan (2003).

## **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.

