

APPLICATION NO	PA/2018/210
APPLICANT	Mr Anthony Hubbard, Overhall Contractors Ltd
DEVELOPMENT	Planning permission to remove condition 4 of planning permission PA/2009/0681 relating to restriction of parking
LOCATION	Land to the rear of 16 Carr Lane, Thealby, Burton-upon-Stather, DN15 9AE
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Burton-upon-Stather Parish Council Statutory consultee objection (Environmental Health)

POLICIES

National Planning Policy Framework:

Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 28 – Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 32 – All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- safe and suitable access to the site can be achieved for all people.

North Lincolnshire Local Plan:

DS1 – General Requirements

DS11 – Pollution

T2 – Access to Development

T19 – Car Parking Provision and Standards

RD2 – Development in the Open Countryside

North Lincolnshire Core Strategy:

CS25 – Promoting Sustainable Transport

CONSULTATIONS

Highways: No objections to the proposal as the drawings demonstrate that the access will remain clear and unobstructed. The increase in vehicle movements is greater than was communicated in the PA/2009/0681 application; although this increase is not significant, further intensifications may impact upon highway safety.

Environmental Health: Recommends refusal of the application due to impact upon the amenity of residents enjoying their outdoor space. The officer states that due to the nature of the application there is an inability to control operating hours. The Environmental Health Officer's reasons for refusal relate to nuisance from noise.

PARISH COUNCIL

Objects to the proposal as it would generate a significant amount of traffic.

PUBLICITY

The planning application has been publicised by means of site notice. No comments have been received.

ASSESSMENT

Relevant planning history

PA/2017/1677: Planning permission to erect shed to rear/side of existing building to include balcony to northern elevation and removal of entrance porch previously approved under planning application PA/2016/1975. Approved 08/12/2017.

PA/2009/0681: Planning permission for change of use of agricultural land to form new vehicular access to serve commercial premises. Approved 16/09/2009.

Site characteristics

The site is located to the south of Thealby in the open countryside. The business functions as a builder's yard, offices, storage and workshops. The site is located close to residential properties and has two access points: one from Carr Lane for cars and a private track accessed from Normanby Road for larger vehicles.

Proposal

The applicant seeks to remove condition 4 of planning permission PA/2009/0681. The condition states:

'The new access and turning area shall not be used for the parking or storage of vehicles or machinery and shall be kept free of obstruction at all times.

Reason: To define the terms of the planning permission and ensure adequate access, egress and turning is provided.'

Assessment

The proposal seeks to allow the parking of vehicles in the southern area of the site where this has previously not been allowed due to the aforementioned condition. It is considered that the removal of this condition would give rise to the following issues:

- highway safety
- noise impacts
- impacts upon the character of the open countryside.

Highways

The reason for the condition was to define the terms of the previous planning permission and ensure adequate access, egress and turning is provided. The applicant has submitted a block plan showing an area for parking that still allows for access, egress and the turning of vehicles within the site. It is therefore considered that these details have sufficiently overcome the need for the planning condition.

Highways have also been consulted and have stated that they have no objection to the removal of the condition for the above reasons. The applicant has also submitted a design and access statement which shows the intended vehicle movements. These movements are an increase upon what was put forward under planning application PA/2009/0681. The highways officer has made comment that, although the site appears to be intensifying, the movements are not at a level that would represent a material change.

It is therefore considered that the removal of the condition would not give rise to any unacceptable highway issues and the reason for the condition has been overcome.

Noise impacts

The removal of the condition would allow vehicles to park at the south of the site. It is worth noting that this is the furthest point of the site away from residential properties. Vehicles of all types currently enter the site and, due to the condition, are restricted to parking outside the proposed area and are in fact located closer to residential properties. This in itself represents a betterment to residential amenity, contrary to the comments from Environmental Health.

That said, the applicant states within the design and access statement that the proposed vehicle movements have increased, not overly, but they have intensified. Given Environmental Health's concerns, it is reasonable to link any permission granted to forecasted traffic movements, which would prevent an amount of vehicle movements that would lead to unacceptable impingement upon residential amenity.

It is therefore considered that, subject to the aforementioned condition, the proposal would not result in noise impacts at a level above the existing use of the site.

Impacts upon the open countryside

The site is located within the open countryside and the area for proposed parking is located to the south where the site abuts the countryside. The block plan shows a scheme of planting along the southern boundary and it is considered that this would soften the appearance of the site when looking north towards Thealby. The planting would be secured through the approval of the said plan and its retention can be secured by planning condition.

It is therefore considered that the proposal would not overly impact upon the open countryside.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan drawing number 1639 122F.

Reason

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

2.

The permission is subject to the details submitted to and agreed in writing by the local planning authority in a letter dated 17 August 2012 which discharged conditions 2, 3 and 5 of planning permission PA/2009/0681.

Reason

To define the terms of the original permission and in the interests of highway safety in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

3.

Daily traffic movements shall not exceed the following:

7.5 tonne HGV: 6 visits per day

44 tonne articulated low loader: 6 visits per day

Small vans and cars: 15 visits per day.

Reason

In the interests of residential amenity and in accordance with 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.

