

APPLICATION NO	PA/2018/451
APPLICANT	Mr Paul Potter
DEVELOPMENT	Planning permission to change the use of meeting and training room to auction house
LOCATION	British Red Cross Society, Brumby Wood Lane, Scunthorpe, DN17 1AB
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 11 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

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.

Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and, where appropriate, establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

North Lincolnshire Local Plan: Policies DS1, DS6, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1 and CS2 apply.

CONSULTATIONS

Highways: Following receipt of a draft parking agreement, recommend that planning permission is granted for a temporary period of two years, that no signage is erected within the limits of the adopted highway and that any parking agreement be secured through a legal agreement.

Environmental Health: This department acknowledges that there is a residential property immediately adjacent to the site. The applicant has stated the days and times on which the proposed auction house intends to operate. Therefore, should the local planning authority be mindful to grant the application, it is recommended that the following hours restriction is applied in order to protect the residential amenity of nearby residents:

Site opening hours, including drop-off and pick-up of goods, shall be restricted to Monday to Saturday 9am to 5.30pm.

PUBLICITY

A site notice has been displayed. Three letters of objection have been received raising the following issues:

- lack of parking provision
- concern over the number of vehicle users to the site
- traffic generation
- noise from deliveries
- there is a weight restriction for vehicles along Brumby Wood Lane
- the parking agreement only guarantees parking spaces in the short term
- there is potential conflict between the New Life Church and the proposed auction house requiring parking on the same day
- the draft parking agreement is vague
- on-street parking is an existing issue.

A petition containing 88 signatures has also been received; this petition is on the grounds of unsuitability of the site and traffic congestion.

ASSESSMENT

The application site is a former meeting and training room which belonged to the British Red Cross. It is a single-storey building of brick construction, which is orientated with its main mass running perpendicular to Brumby Wood Lane and has an area of hardstanding to the front. The building is located adjacent and opposite residential properties with a New Life Church located immediately to the east and commercial uses on the opposite site of the highway which include a vehicle repair garage, a tyre fitter's and a paint supply shop. Planning permission is being sought to change the use of this building to an auction house to be used on alternate Thursdays for auctions to be held.

The main issues in the determination of this planning application are the principle of development and highway issues.

Principle

The proposal is for the change of use of a former meeting/training hall to an auction house. The proposal is for the re-use of a building within the defined settlement boundary for Scunthorpe and as such is considered to be acceptable in principle for use as an auction house. The supporting information with the planning application states that auctions will be held fortnightly on a Thursday with the auction house open daily between 9am and 5.30pm Monday to Saturday for customers to drop items off for a forthcoming auction. It is considered that the hours of operation for the auction house, together with the fact the auctions will take place on a fortnightly basis, will ensure that the proposal will not give rise to loss of residential amenity through noise and disturbance. It should be noted that deliveries and unloading of goods for future auctions will take place during social hours of the day and there is an area of hardstanding to the front of the building which can be utilised for this purpose. The proposed hours of operating and deliveries/unloading are consistent with the condition recommended by Environmental Health; this is considered sufficient to safeguard residential amenity in this case.

Highway issues

It is acknowledged that the change of use is proposed to take place in an area which is predominantly residential in nature; however, it is noted that there are commercial units on the opposite side of Brumby Wood Lane to the north and north-east. Given the lack of parking provision, it is accepted that the proposal has the potential to result in issues relating to an increase in traffic generation and vehicles being parked within the highway. The applicant has submitted a draft parking agreement between their proposed auction business and the car park belonging to the New Life Church located to the east, south and south-east. This parking agreement, whilst in draft form, demonstrates that the applicant could utilise up to 20 parking spaces in the adjacent car park in association with the proposed auction business. It should be noted that the clauses within this agreement are not definitive: it provides an example to demonstrate that parking can be secured to serve the auction business and that any final parking schedule would be secured as a legal agreement, with the necessary clauses (which would be read alongside any planning permission granted) finalised with the local planning authority within the document.

Highways have considered the draft parking agreement and have no objections on parking grounds. However, in order to fully monitor the impact of the development upon the highway network it is considered prudent to recommend a condition for the business to operate for a period of two years.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a parking agreement to serve the proposed auction house within the adjacent car park belonging to the New Life Church, the committee resolves:

- (i) it is mindful to grant permission for the development;**

- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;
- (iii) if the obligation is not completed by 6 December 2018 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of impact on highway and pedestrian safety; and
- (iv) the permission so granted be subject to the following conditions:

1.

The auction house hereby permitted shall be carried on only by Mr Paul Potter and shall be for a limited period, being the period of 2 years from the date of this decision, or the period during which the premises are occupied by Mr Potter, whichever is the shorter.

Reason

Permission is granted only after taking account of the particular personal circumstances involved and to allow the local planning authority to monitor the potential impacts of the development upon highway and pedestrian safety, in accordance with policy DS1 of the North Lincolnshire Local Plan.

2.

Hours of opening and for the unloading/loading of goods associated with the auction house hereby permitted shall be restricted to 9am to 5pm Monday to Saturday and at no times on Sundays and public/bank holidays.

Reason

To define the terms of the permission and in the interests of residential amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

No signage shall be erected within the limits of the adopted highway at any time.

Reason

In the interests of highway safety and to comply with policies T1 and T2 of the North Lincolnshire Local Plan.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

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.

