

APPLICATION NO	PA/2009/0864
APPLICANT	Mrs M Stones
DEVELOPMENT	Planning permission to change the use of a dwelling into a funeral parlour
LOCATION	62 East Common Lane, Scunthorpe
PARISH	SCUNTHORPE
WARD	Frodingham
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) states that development should not result in any unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance.</p> <p>Policy DS4 (Changes of Use in Residential Areas) states that within residential areas favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area or residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.</p>
CONSULTATIONS	<p>Highways: Recommend conditions and comment that it may be appropriate for the applicant to physically demonstrate that a hearse can safely manoeuvre in and out of the site.</p> <p>Severn Trent Water Ltd: No objection.</p>
PUBLICITY	Neighbouring properties have been notified. Nineteen letters and a petition containing 122 signatures have been received raising the following material issues:

- concern about the correct method of waste storage and disposal
- the proposed use is inappropriate in a residential area
- the property and its proposed parking area are located too close to the junction of Cemetery Road and East Common Lane
- the access and parking arrangements for the proposed use are insufficient
- noise disturbance from vehicle movements and from customers of the proposed use
- the proposed use will generate additional vehicular traffic and parking which would exacerbate congestion along East Common Lane
- the hours of operation stated in the planning application are questionable given that the proposed business use may be required to operate at any time of the day
- the upper floors of the property are currently being advertised for residential use, whereas the plans show this floor for office use
- it would be difficult for a hearse to manoeuvre within the site
- additional vehicle parking, turning and parking on the road poses a hazard to pedestrian safety
- the proposed use has the potential for the emission of odours from the mortuary
- there is the potential for neighbours to view the deceased being transported between the mortuary and the main building

ASSESSMENT

The application site is a two-storey semi-detached dwelling located on the corner of East Common Lane and Cemetery Road. The existing vehicular access is from Cemetery Road to the west and the property has an existing detached garage. Neighbouring properties are two-storey semi-detached of similar design and age.

A previous planning application (PA/2009/0496) was refused on the grounds that the proposed use would generate an unacceptable increase in traffic movements

which would have an adverse impact on highway safety. This re-submitted application includes additional information to overcome the previous reason for refusal. The agent has provided details of vehicle parking and turning space within the site.

The main issues in determining this planning application are whether this is an appropriate use within a residential area and whether there are any highway or car parking issues.

The council's Environmental Protection Team has considered the application and recommend conditions requiring details of controlling noise from the ventilation and refrigeration units, a scheme to control odours from the ventilation system and a scheme for the storage and disposal of waste. These conditions would ensure that potential issues arising from the incorrect disposal of waste and emissions of odours are correctly addressed.

The council's Highway department has raised no objections to the proposed development from a highway and pedestrian safety perspective. Additionally no issues have been raised about the provision of four parking spaces for staff and members of the public. The applicants have additional parking available for themselves at another property on Cemetery Road which is in their ownership. Furthermore, a condition can be imposed which restricts the number of full-time employees to two, in accordance with the supporting statement provided with the planning application. This would ensure that sufficient parking is available at the site. It should be noted that members of the public can park on the highway to visit the business.

The nature of the proposed business, together with its operating hours, would mean that the number of vehicle movements attributed to members of the public visiting the site in any calendar week would be minimal. These vehicle movements would be during social working hours. Therefore it is considered that the proposed use is unlikely to result in traffic congestion along Cemetery Road and East Common Lane. It is also considered that vehicle movements to and from the site would not result in significant noise disturbance to neighbouring properties as the site is located on Cemetery Road and East Common Lane – roads that carry a significant volume of traffic on a daily basis, thereby creating noise disturbance in the process.

It should be noted that a site meeting was held on 2 October 2009 between the case officer, the council's highway officer and the applicant. The applicant demonstrated that a hearse can safely turn around in the site without infringing on the public highway. This manoeuvre was undertaken to the satisfaction of the council's highway department.

It should also be noted that the area where car parking is proposed and the position of the vehicle access remain unchanged. Therefore there is no change to the proximity of the parking and vehicle access to the junction of East Common Lane and Cemetery Road.

The upper floor of the property is proposed for office use. Complaints have been received that the upper floors are being advertised for residential use by the applicant. A separate planning application would be required to use the upper floor of the funeral parlour for residential accommodation and such an application would be considered on its own merits.

The applicant has stated in the planning application that the proposed funeral parlour would be open from 9am to 5pm Monday to Friday and that out of hours visits would be by appointment only. A condition would be imposed whereby members of the public cannot visit the site outside of these specified hours. This would prevent any noise disturbance to neighbouring properties during unsocial hours. Outside of these hours there may be specific occasions when the site will be operated by staff members only.

The deceased would be moved from the hearse into the garage which would serve as the mortuary where they would be stored. The deceased would then be transported to the main building via the rear garden. However the site is well screened by a 1.8 metre high fence, a canopy and a shed between the garage and the building. There is an additional 1.8 metre fence along the western boundary with Cemetery Road. Therefore it would be difficult for a member of the public to view the transportation of the deceased between the mortuary and the funeral parlour unless they were standing in the upper floors of adjacent properties looking out of first floor windows.

Under the guidance of policy DS4 (Changes of Use in Residential Areas) a change of use is acceptable provided that it doesn't affect the appearance of the street scene or result in loss of amenity to neighbouring

properties. It is considered that the proposed use is acceptable as there are no material changes proposed to the appearance of the building and the loss of amenity to neighbouring properties is considered to be minimal.

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 use shall be carried on only by Mrs Maggie Stones.

Reason

For the avoidance of doubt and to ensure that the use does not have a detrimental impact upon residential amenity and highway safety in accordance with policies DS1, DS4 and T2 of the North Lincolnshire Local Plan.

3.

The funeral parlour hereby approved shall be operated in accordance with the details contained within the applicant's letter dated 28 August 2009.

Reason

For the avoidance of doubt and to ensure that the use does not have a detrimental impact upon residential amenity and highway safety in accordance with policies DS1, DS4 and T2 of the North Lincolnshire Local Plan.

4.

The funeral parlour hereby approved shall not be open to the public outside the hours of 9am-5pm Monday to Friday and at no time on Saturdays, Sundays or Public Holidays.

Reason

For the avoidance of doubt and to ensure that the use does not have a detrimental impact upon residential amenity and highway safety in accordance with policies DS1, DS4 and T2 of the North Lincolnshire Local Plan.

5.

The proposed vehicle parking and turning area shall be set out in accordance with drawing number MS/09/03 and shall thereafter be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

No development shall take place until a scheme to control noise from the ventilation and refrigeration units has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of the noise output of the ventilation and refrigeration units and details of any mitigation measures required to control noise. It shall also identify the final discharge point for the ventilation system. The approved scheme shall be installed prior to the business being brought into use and thereafter retained.

Reason

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

7.

No development shall take place until a scheme to control odours from the ventilation system serving the preparation area has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the filtration system. The approved scheme shall be installed prior to the business being brought into use and thereafter retained.

Reason

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

8.

Prior to the commencement of the use hereby permitted, a scheme for the storage and disposal of waste shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented upon commencement of the use and thereafter retained.

Reason

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



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Highways and Planning Service

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