

APPLICATION NO PA/2010/0723

APPLICANT Mr S Smithy

DEVELOPMENT Planning permission to replace an existing workshop (resubmission of PA/2010/0344)

LOCATION 21 Thinholme Lane, Westwoodside

PARISH HAXEY

WARD AXHOLME SOUTH

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Third party request to address the committee

POLICIES

North Lincolnshire Local Plan: The site is situated within the development boundary of Westwoodside (policy ST3) which is defined as a minimum growth settlement (policy ST2).

Policy DS1 (General Requirements) specifies that a high standard of design is expected in all developments in both built-up areas and the open countryside. This policy also states that there should be no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance.

Policies DS11 (Polluting Activities) states that development will only be permitted where it can be demonstrated that the level of potentially polluting emissions, including noise, does not create adverse environmental conditions likely to affect adjacent areas.

Policy DS4 applies and sets out the criteria for change of use to business in residential areas. The development should not adversely affect the character and appearance of the area. The use should not adversely affect the residential amenity of an area by virtue of noise, vibration, traffic generation, reduction in road safety, emissions (dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.

CONSULTATIONS

Highways: Do not wish to restrict the grant of planning permission.

PARISH COUNCIL

Support the application.

PUBLICITY

Neighbouring properties have been notified and one letter of objection has been received raising the following material issues:

- concern is raised about whether the proposed replacement workshop will be built to the correct building standards
- the size and scale of the proposed replacement workshop is not representative of a small business unit – it is larger than the footprint of the existing dwelling
- have always experienced problems with noise generated by the activities within the existing workshop and if the council is mindful to grant permission the applicant should be required to commission an independent sound analysis report in order to obtain an accurate level of noise
- the applicant does not live in the associated dwelling but drives from a neighbouring village and as such any claims of sustainability are without foundation
- does not comply with policy DS4
- the applicant is applying to extend working hours to include Saturdays, in other words 8am-6pm each day, Monday to Saturday; this is not acceptable in a residential area – householders want peace and quiet at the weekend; reasonable hours would be 8.30am-5.30pm five days a week

ASSESSMENT

Three previous planning applications are relevant to this case:

PA/2008/0926, for the retention of a workshop, was granted temporary permission in 2008 for one year;

PA/2009/0611, for the retention of the workshop for permanent use and extended operating hours, was granted planning permission; and

PA/2010/0344 was withdrawn following officer concerns regarding the design and size.

This planning application seeks to erect a re-designed replacement workshop for the same purpose but constructed from brick. (The existing workshop is constructed in timber).

The main issues in determining this application are whether the proposed workshop would result in noise disturbance to adjacent residential properties and whether its size and scale are appropriate.

The proposed replacement workshop would be constructed from brick and clay pantiles. A condition can be imposed requesting details of soundproofing the replacement workshop prior to its construction. It is considered that the more substantial materials of construction, together with the installation of soundproofing measures within the workshop, would significantly reduce any likely noise disturbance to adjacent properties. The imposition of previous planning conditions relating to hours of operation and the closing of windows and doors when machines/power tools are being used would reduce the impact of noise disturbance to nearby dwellings still further.

Building Regulations approval would be required for the construction of the replacement workshop. This would ensure that the workshop is constructed to the relevant building standards. Regarding hours of operation, the applicant has confirmed they wish the hours on a Saturday to remain at 8.30am to 12.30pm. The business is operated by the applicant

who runs a joinery business from the existing workshop. The applicant would be the only employee working there.

The applicant does not live on the premises; he travels there on a daily basis. The property is owned by the applicant's grandfather.

The workshop would be 11.5m x 7m; the attached wood store would be 6.8m x 3m; both would be single-storey. It should be noted that the proposed replacement workshop would not be significantly larger than the existing workshop: the actual workshop would be the same size in terms of footprint plus an attached wood store, and in any case there are no specified size limits for the erection of a building or use of a building for small business use, each planning application being considered on its own merits. For the reasons stated above, the proposed replacement workshop is considered to be an acceptable form of development in this residential area.

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 development hereby permitted shall be carried out in accordance with the following approved plans: 915A/1 and 915A/2.

Reason

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

3.
The workshop shall only be used between the hours of 8am and 6pm Monday to Friday, 8.30am and 12.30pm on Saturday and at no time on Sundays and Public or Bank Holidays.

Reason

To ensure the living conditions of nearby dwellings are protected in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.
All windows and doors shall be closed when any power tools, including saws, nail or staple guns, drills, lathes, routers, planing and sanding equipment, are operated.

Reason

To ensure the living conditions of nearby dwellings are protected in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.
No more than two tools and/or machines shall be used at any one time.

Reason

To ensure the living conditions of nearby dwellings are protected in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

The replacement workshop shall not be brought into use until it has been sound insulated in accordance with details to be submitted to and approved in writing by the local planning authority beforehand.

Reason

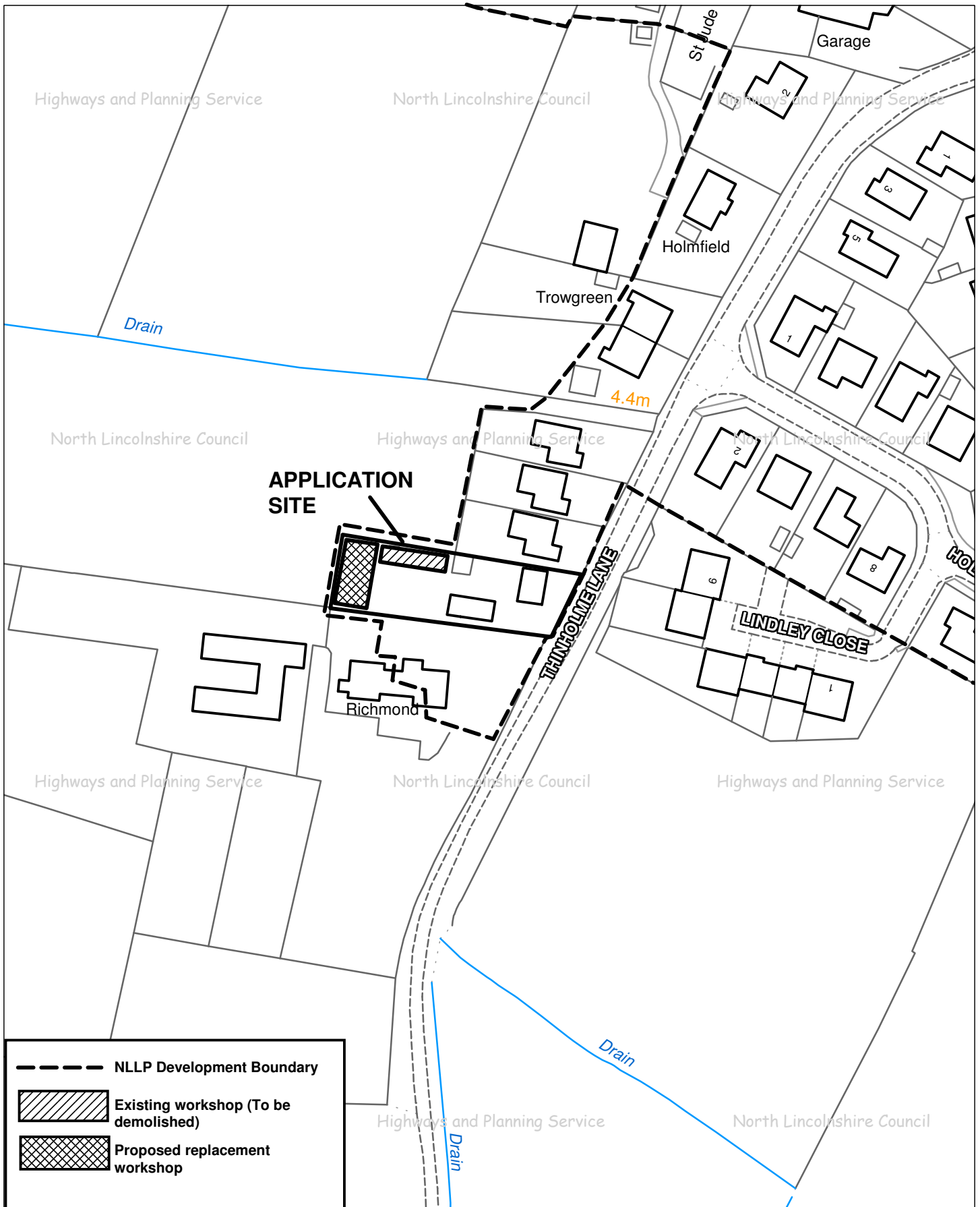
To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

7.

The existing workshop shall be demolished and all debris removed from the site no later than three months from the date when the replacement workshop is completed.

Reason

To ensure the timely removal of the existing workshop in the interests of visual amenity and to protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.



Drawing Title: 2010/0723

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Highways and Planning Service

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