

**APPLICATION NO** PA/2014/1406

**APPLICANT** Mr S Smithey

**DEVELOPMENT** Planning application to vary condition 3 on planning permission PA/2010/0723

**LOCATION** Workshop - Spring Gardens, 21 Thinholme Lane, Westwoodside, Haxey

**PARISH** HAXEY

**WARD** Axholme South

**CASE OFFICER** Scott Jackson

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Haxey Parish Council

## **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.

Paragraph 28 states that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

**North Lincolnshire Local Plan:** Policies DS1 (General Requirements) and DS11 (Polluting Activities) apply.

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire) and CS2 (Delivering more Sustainable Development) apply.

## **CONSULTATIONS**

**Highways:** No objections.

**Public Rights of Way:** No objections.

**Environmental Health:** Recommend refusal to the additional hours of working on a Saturday until 5pm. However, if the applicant was seeking general access to the building and requesting the doors and windows to be open when machinery/tools are in use then this may be acceptable.

## **PARISH COUNCIL**

Object on the grounds that the living conditions of nearby dwellings should be protected.

## **PUBLICITY**

Neighbouring properties have been notified. Three letters of objection (two from the same address) have been received raising the following issues:

This will allow the business to operate up to 59 hours per week.

Additional working hours on a Saturday are not acceptable in a residential area.

The applicant should not be allowed to work with the windows and doors open as the noise can already be heard.

Noise is already experienced.

Living conditions would deteriorate even further.

Inappropriate location for a commercial workshop.

Adequate ventilation should have been installed in the first place.

If the building is no longer fit for purpose then it should be relocated.

Amenity should be preserved.

## **ASSESSMENT**

The application site comprises a single-storey detached building in use as a joiner's workshop. It is located to the rear of a detached bungalow and constructed from blockwork with brick finish and a pantile roof. The workshop is located within the settlement boundary for Westwoodside and has agricultural fields to the rear. There are detached residential properties located to either side of the site and it is accessed from Thinholme Lane to the east. The applicant is seeking to vary condition 3 of planning application PA/2010/0723 to allow the workshop to operate for longer on a Saturday.

**The main issue in the determination of this planning application is the impact on residential amenity.**

### **Residential amenity**

Planning application PA/2010/0723 was permitted for the erection of a replacement workshop. Condition 3 of that planning permission allows for the workshop to be used for business purposes between the hours of 8am to 6pm Monday to Friday, 8.30am to 12.30pm on Saturdays and at no time on Sundays and Public/Bank Holidays. The applicant is seeking a variation to these hours to allow them to work until 5pm on a Saturday. This has been met with objections from Environmental Health, Haxey Parish Council and neighbouring properties.

The issue relating to the workshop surrounds the ambiguity relating to the use of the workshop and whether access is permitted outside of the specified working hours. Recent discussions between the applicant and case officer highlight the fact that the applicant

wishes to be able to access the workshop outside those working hours but not use it for working operations (e.g. power tools, tools and machinery) associated with his joinery business. For example, there have been instances where the applicant has visited the workshop outside of these hours to pick up tools and equipment for travelling onto the client's home. Environmental Health have commented that they wouldn't raise any issues with access to the workshop being allowed outside the permitted working hours, provided that no tools or machinery were being operated. It is worth noting that Environmental Health has investigated complaints of alleged noise nuisance from the workshop but never established a statutory noise nuisance.

Paragraph 28 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas and support the sustainable growth and expansion of all types of business and enterprise in rural areas. It is considered that varying condition 3 to allow only access to the workshop outside the permitted working hours will allow the applicant to still access the building but be sufficient to safeguard residential amenity. It will ensure that the applicant only uses the workshop (i.e. for their joinery business) during the hours established by planning permission PA/2010/0723. It should be noted that the other conditions imposed on the 2010 planning permission (in respect of the closing of windows and doors and the use of power tools) will remain in place. The retention of these conditions is considered sufficient to protect residential amenity.

### **Other issues**

Comments received in relation to this workshop not being appropriate in a residential area are not relevant – planning application PA/2010/0723 established the principle of a workshop in this location as being acceptable in principle.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The workshop and its associated tools, power tools and machinery shall only be used between the hours of 8am and 6pm Monday to Friday, 8.30am to 12.30pm on Saturdays and at no time on Sundays and Public or Bank Holidays. Outside of these stated hours the workshop shall be permitted for access purposes only.

#### **Reason**

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

2.  
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.

3.  
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.

4.

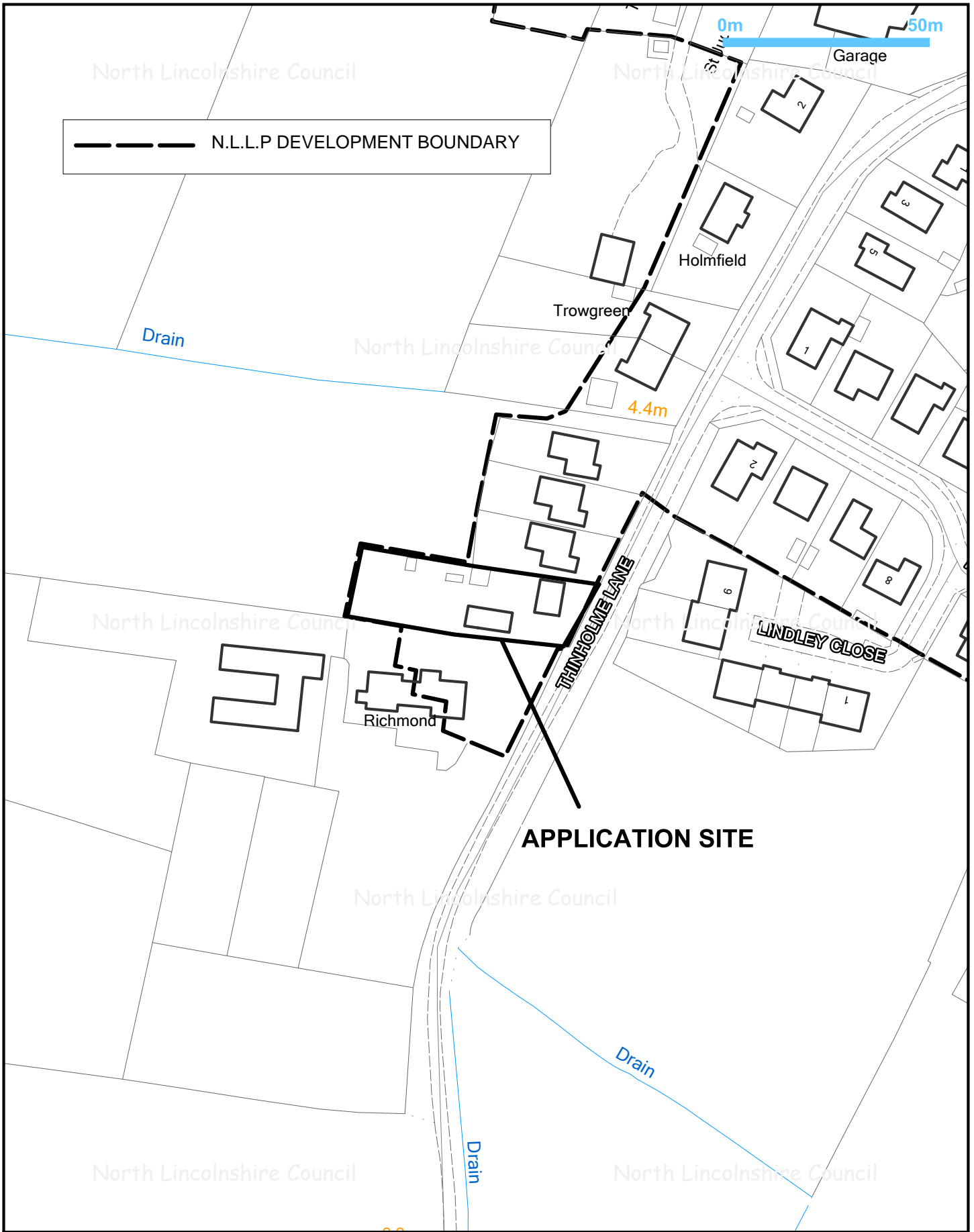
This planning permission shall enure for the benefit of the applicant, Mr Steven Smithey, and for no other person, body or company, and shall not be for the benefit of the land. On the cessation of use as a joinery workshop, the building and its use hereby approved shall revert to a domestic use ancillary to the dwelling house known as 21 Thinholme Lane, Westwoodside.

**Reason**

Planning permission has only been granted after taking account of the applicant's personal circumstances and the small-scale operations associated with the business in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

**Informative**

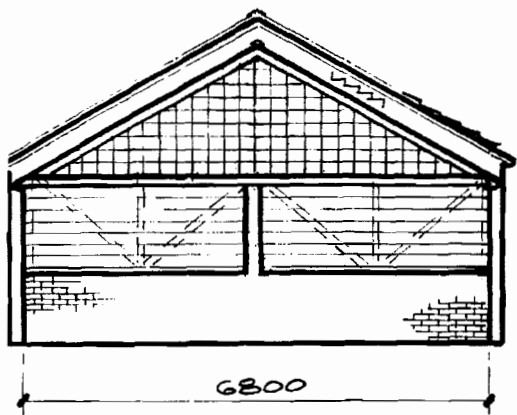
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



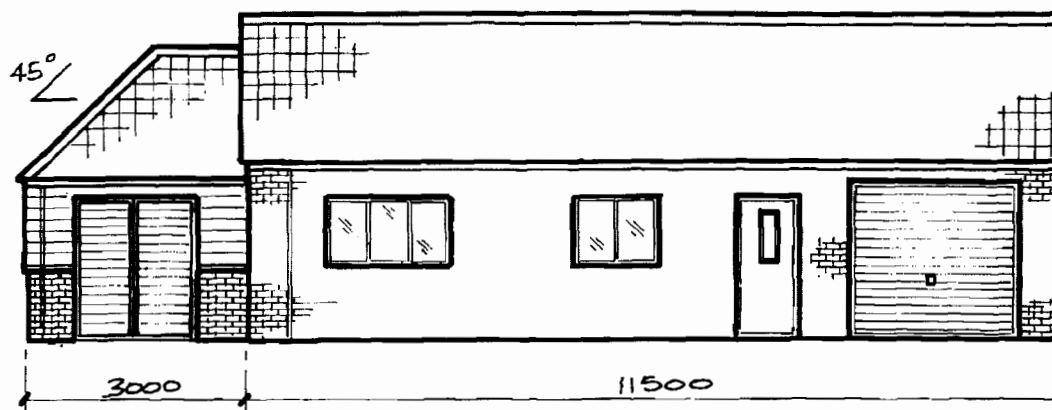
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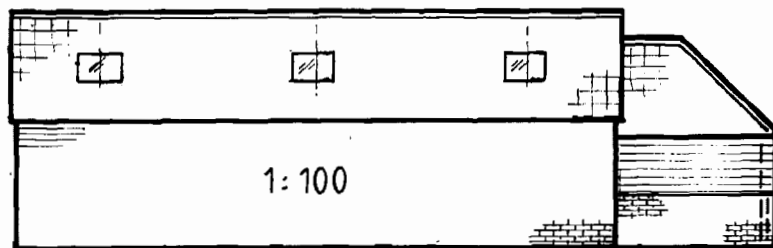
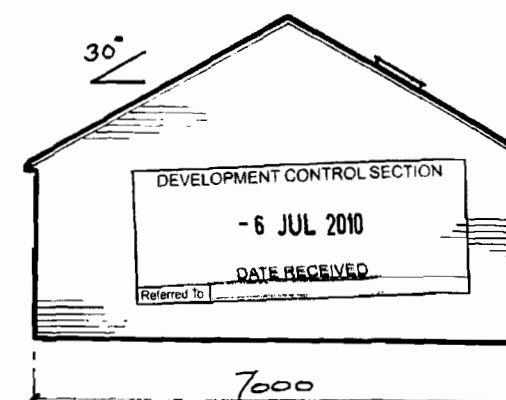
SOUTHERN ELEVATION



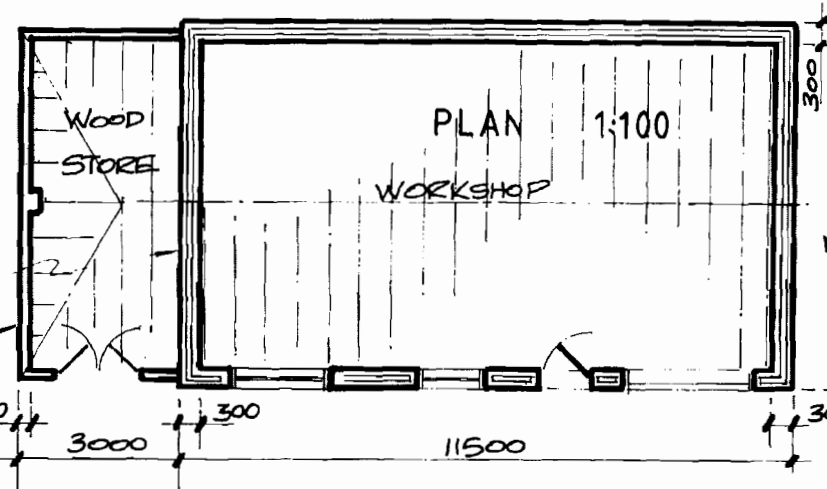
1:75 EASTERN ELEVATION (FRONT)



NORTHERN ELEVATION



WESTERN ELEVATION (REAR)



300 WIDE CAVITY WALL  
0.3W/M<sup>2</sup>K  
100 BRICKWORK  
DWARF WALL

GENERAL NOTES:

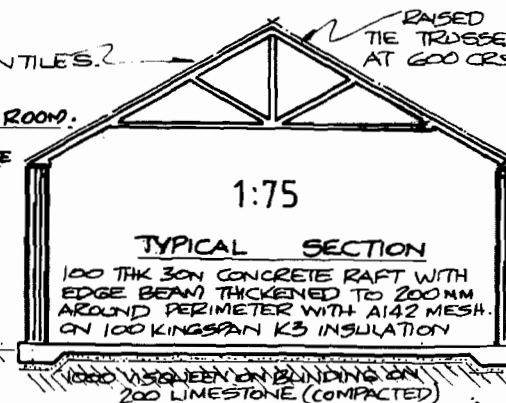
WORKSHOP WITH BRICKWORK/BLOCK  
CAVITY WALL & PANTILE ROOF.  
WOOD STORE WITH DWARF BRICKWORK  
WALL & TIMBER LATTICEWORK

CLAY PANTILES?  
RAISED  
TIE TRUSSES  
AT 600 CRS

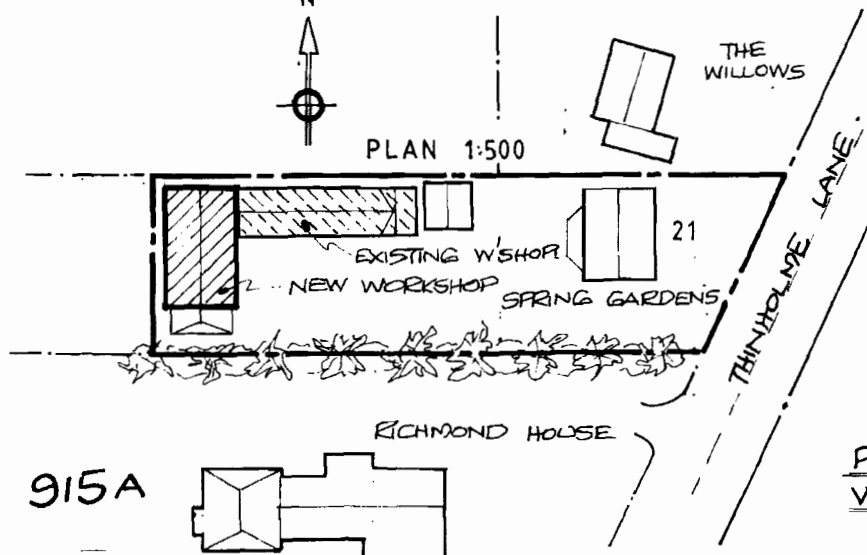
HEAD ROOM.

W RATE  
TOP

3250  
2600



PLAN 1:500



PROPOSED REPLACEMENT JOINERS  
WORKSHOP @ 21, THINHOLME LANE,  
WESTWOODSIDE, DONCASTER DN9 2DY