

APPLICATION NO	PA/2017/1
APPLICANT	Mr Bruce Riley
DEVELOPMENT	Planning permission for a change of use of domestic garage to vehicle repair garage
LOCATION	Hill Brow, A161 between Epworth and Haxey, Low Burnham, DN9 1DA
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 17 sets out the 12 core planning principles that should underpin both plan-making and decision taking.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

Paragraph 21 states that local planning authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

Paragraph 28 states that planning policies should support economic growth in rural areas to create jobs and prosperity by tasking a positive approach to sustainable new development.

Paragraph 34 states that decisions should ensure that developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, this needs to take into account policies set out elsewhere in this Framework, particularly in rural areas.

Paragraph 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impact on health and quality of life arising from noise from new developments including through conditions.

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

T2 (Access to Development)

LC14 (Area of Special Historic Landscape Interest)

DS1 (General Requirements)

DS11 (Polluting Activities)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS11 (Provision and Distribution of Employment Land)

CONSULTATIONS

Highways: No objection subject to conditions.

Environment Health: No objection subject to conditions restricting opening hours, requiring vehicle repair activities to take place within the garage and prohibiting spray painting, and the permission being personal to the applicant and linking the business to the occupation of the residential property.

Trees and Landscape: No objection.

PARISH COUNCIL

Object on the following grounds:

- road safety and allowing a business use in a totally unsuitable location: vehicles accessing the site via the A161 at a point where visual restrictions exist, there is a need for heavy policing of speed and historically fatal accidents have occurred close by
- the use of the garden for parking does not remove the need for vehicles to access the site, it requires a change of use and is an unnecessary extension into the open countryside contrary to policy and is not a brownfield site
- loss of amenity to residents by virtue of noise
- the location is not appropriate for the use
- loss of visual amenity
- inappropriate in road safety terms due to being located close to the brow of a hill
- no pedestrian access to the site

- concerns over the disposal of chemicals and oils
- emission of odours to nearby residential properties.

If permitted, conditions should be applied in terms of opening hours, numbers of cars permitted on the site frontage, restrictions on signs, and restrictions on how traffic enters and leaves the site.

PUBLICITY

Advertised by site notice and adjoining properties notified. Eight letters have been received in relation to both the original and the amended plans, some from the same objector, raising the following issues:

- inadequate delivery vehicle access and turning space
- no pedestrian access
- no drainage run-off details
- increased traffic at an accident blackspot
- the garage is currently operating seven days a week
- noise and air pollution
- hazardous waste disposal
- the drawings are not to scale
- the removal of trees has resulted in loss of visual amenity
- loss of privacy
- loss of visual amenity
- no details are given of the signage
- inadequate parking for the business within the site
- poor visibility for vehicles exiting the site
- no details of waste disposal
- no policy designation for industry
- the use should be located on an industrial estate
- there is no disabled access or disabled parking on the site
- no details are given of foul sewerage
- contamination

- no details of are given of the number of employees
- no tree survey has been submitted.

ASSESSMENT

The site

The site is a detached garage located adjacent to a detached bungalow, both within the applicant's ownership. The site has garden land to the north and south. On the southern part of the site are some outbuildings. In front of the garage is a large area of hardstanding. The site is accessed off the A161 and is on the brow of a hill. The application is retrospective as the applicant has been operating a vehicle repair business from the garage for over a year. The site is located within an Area of Special Historic Landscape (LC14). To the south are some residential properties. To the north, east and west is agricultural land. There is no pedestrian footway outside the applicant's property but there is a footway close to the site which allows pedestrian access to the market town of Epworth and on the opposite side of the A161 is a footway leading to Low Burnham. The site is accessible by cycle from and to Epworth and Haxey. There is a bus stop within the settlement of Low Burnham providing access to Doncaster and Scunthorpe.

Planning history

The site has some planning history. In 2009 planning permission was granted to retain the existing garage and construct a new pitched roof onto it (PA/2009/1297). A condition of this planning permission was that the garage only be used for residential purposes and purposes incidental to the residential use, and not for any trade, business or profession. The garage began to be used as a vehicle repair garage and in 2016 planning permission to retain the use of the garage as a vehicle repair garage was refused as it was considered that there was inadequate vehicle parking and turning to serve the combined residential use and the commercial use (PA/2016/682).

The proposal

The applicant is seeking permission to continue to operate a vehicle repair garage from the site. The applicant currently owns and resides in the existing bungalow on the site. Following concerns relating to the turning and manoeuvring of vehicles within the site, the applicant has submitted an amended block plan showing parking for vehicles awaiting repair on an area of land which is currently garden on the north side of the site, allowing most of the hardstanding area in front of the garage to be kept clear for deliveries, access and turning.

The main issues associated with this proposal are whether the commercial use is acceptable in planning policy terms, and if so, whether its impact on the highway network, on neighbours and on the amenity of the locality is also acceptable.

The principle of the development

The site is located outside the development boundary for Low Burnham within the open countryside. In terms of policies CS1 and CS11 of the Core Strategy, policy RD2 of the North Lincolnshire Local Plan and guidance in the National Planning Policy Framework (NPPF), employment-related development can be appropriate in the open countryside. The

business is being operated from the site as the applicant lives at the property and can operate the business from his home. This is supported through paragraph 21 of the NPPF. The site provides employment for the applicant and will provide a service to residents of Low Burnham. The site is within walking distance to the market town of Epworth. The site is also within walking distance of bus stops in Low Burnham and is accessible by cycle. On balance, the site is a fairly sustainable location for the development and accords with guidance in the NPPF.

Highways

In terms of highways, no objections have been received. The amended plan shows an additional area to the north for the parking of vehicles awaiting repair. A planning condition can be used to ensure that within this area hardstanding is provided to create an acceptable parking area for vehicles. The existing hardstanding area in front of the garage will be retained to allow an area for vehicle manoeuvring and turning, and for deliveries. The access is considered to be acceptable. As a result, previous highway objections to the proposal have been overcome and the proposal accords with policies T2, DS1 and RD2 of the North Lincolnshire Local Plan.

Waste disposal

The issue of disposal of chemicals and motor oil associated with the vehicle repair garage is noted. However, this matter is dealt with under Environmental Health regulations. If waste is not disposed of in the correct manner then action could be taken under the Environmental Protection Act 1990. An informative will be placed on the permission advising the applicant to seek advice from Environmental Protection in relation to waste disposal.

Trees

Concerns over the loss of trees on the site are noted. However, the trees were conifers and were not protected by a Tree Preservation Order, nor is the site within a conservation area. The applicant did not require any formal permission to remove these trees. The council's tree officer has raised no objection to the application. The conifer trees added limited amenity value to the area and needed removing to allow additional parking for vehicles within the northern area of the site. In terms of the trees there is no objection to the proposal which accords with policy LC12 of the North Lincolnshire Local Plan.

Impact on neighbours

The concerns from neighbours are noted. The nearest neighbour is located to the south of the application site a distance of over 45 metres from the garage. The concerns in relation to noise, disturbance and odours are noted, but Environmental Protection have raised no objections to the proposal subject to conditions. The permission will be conditioned to restrict operating hours, tying the business to the applicant and ensuring the business cannot be sold separately from the residential property. In addition no spray painting will be permitted and no car sales will be allowed to take place from the site. As a result no ventilation or air conditioning will be required. All vehicle repairs will be conditioned to take place inside the garage which will provide a further safeguard of residential amenity. Concerns in relation to loss of privacy from customers walking round the site looking into adjacent residential properties are noted. However, this will be limited and will not be on a permanent basis as hours of use will be controlled. Issues related to contamination of the

site are noted, but Environmental Protection have not raised issues in relation to contamination. The issue of foul sewerage for the garage is also noted, but no WC is provided inside the garage as the applicant resides on the site. Subject to conditions, the proposal will therefore accord with policies RD2, DS1 and DS11 of the North Lincolnshire Local Plan.

Impact on the visual amenity of the locality

It is accepted that vehicles awaiting repair are being parked on the hardstanding area, and some vehicles are currently being parked on the area of land to the north and some within the garden on land to the south. It is unclear which vehicles are the applicant's own. A planning condition can be used to ensure that no vehicles associated with the vehicle repair business are parked on the south side of the site, which is the applicant's garden, in order to reduce the visual impact of the proposal on the open countryside and on the Area of Special Historic Landscape Interest. The vehicles parked on the hardstanding and on the northern part of the site are visible but some screening is provided by the existing hedge along the A161 and boundary wall. In addition, vehicles come and go from the site and are not permanently parked there. A planning condition to ensure vehicles are always repaired inside the garage will also reduce the impact of the development on the open countryside. The proposal therefore accords with guidance in the NPPF, policies CS1, CS2 and CS3 of the Core Strategy and DS1, RD2 and LC14 of the North Lincolnshire Local Plan.

Drainage

Concerns in relation to drainage are noted. In order to ensure no surface water runs off the site onto the highway a planning condition will be used to ensure details of surface water disposal are submitted to the council. The proposal therefore accords with policy DS14 of the North Lincolnshire Local Plan.

Signage

The issue of signage is noted. Any signage advertising the business may need advertisement consent and would be subject to an advertisement application. An informative will be placed on the permission advising the applicant that any advertisements on the site may require advertisement consent from the council.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: site layout plan (revised), block plan date stamped 12 May 2016, location plan dated stamped 12 May 2016, and plans and elevations.

Reason

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

2.

All vehicle repair activities shall be undertaken within the garage marked green on the block plan dated 12 May 2016.

Reason

In order to safeguard residential amenity in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

3.

The opening hours of the vehicle repair business shall be restricted to: 9am to 5pm Monday to Friday and 9am to 1pm on Saturdays, with no working on Sundays and bank/public holidays at any time.

Reason

To safeguard residential amenity in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

4.

No spray painting shall be undertaken in the garage or on the site at any time.

Reason

To safeguard residential amenity in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

5.

The vehicle repair garage hereby approved shall cease operating upon the selling of the property (Hillbrow) by the applicant (Mr B Riley) and the vehicle repair garage shall at all times remain linked to the occupation of the property by the applicant (Mr B Riley) and shall not be sold or let separately at any time.

Reason

To safeguard residential amenity in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

6.

The garage shall not be used otherwise than as a vehicle repair business and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

7.

No car sales shall take place on the site at any time.

Reason

To safeguard residential amenity and highway safety, and the character of the area, in accordance with policies RD2, T2 and DS1 of the North Lincolnshire Local Plan.

8.

Within one month of the date of this permission, details of the materials and layout for the hardstanding area required to the north of the garage where vehicles will be parked whilst

awaiting repair shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on the site within three months of the approval of this condition and retained as such at all times thereafter.

Reason

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

9.

Within one month of this permission, details of the disposal of surface water drainage from the garage and details showing an effective method of preventing surface water run-off from the hard paved areas within the site onto the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on the site within three months of the approval of this condition and retained as such at all times thereafter.

Reason

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

10.

No vehicles associated with the vehicle repair business shall be parked on the southern area of the site (within the garden area) at any time.

Reason

To safeguard residential amenity and the character of the area in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

Informative 1

The applicant is advised that advertisement consent may be required for signage associated with the business being carried out from the site.

Informative 2

The applicant is advised to contact the Environmental Health team to ensure the correct disposal of waste products associated with the business.

Informative 3

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.

PA/2017/1 – Site Location



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