

APPLICATION NO	PA/2017/1142
APPLICANT	Mrs Holly Cheyne
DEVELOPMENT	Planning permission for the retention of a caravan and associated decking, parking and fencing in connection with existing dog grooming business
LOCATION	Land opposite 21 Manchester Square, New Holland, DN19 7RQ
PARISH	New Holland
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by New Holland Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Section 3 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 19 relates to sustainable economic growth which should be supported through the planning system.

Section 7 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

North Lincolnshire Local Plan: Policies DS1, DS4 and DS6 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2 and CS5 apply.

CONSULTATIONS

Highways: No comments received.

Environmental Health: This department previously commented on planning application PA/2015/0370 in relation to this site and activity. This was a temporary permission for two years and conditions were attached in relation to opening hours and the use of the premises. This department has not received any complaints in relation to the use of the site and any impact on residential amenity that it is causing. Therefore, should planning permission be granted, this department would recommend the inclusion of the following conditions:

- Hours of opening shall be restricted to 8am to 2pm Monday to Saturday and closed on Sundays and Bank Holidays.
- No dogs shall be kept on the premises outside of the above hours.
- The premises shall only be used for the grooming of dogs and no dogs shall be left unattended outside the caravan during the hours of operation.

PARISH COUNCIL

Objects on the following grounds:

- the councillors have received complaints about this proposal
- a caravan is out of keeping with the street scene
- the business should be constructed from more appropriate materials
- impact on LC11 designated land
- impact on wildlife and protected species
- it is not of sustainable design
- contrary to policy H7
- increased parking along local roads
- a traffic management plan should be considered
- if permission is granted conditions should be imposed that relate to it not being used for domestic purposes, no animals to be kept on site for excessive periods of time, no kennelling to take place, the building to be painted in a more appropriate colour, the caravan to be removed when no longer required and a more permanent solution be sought after 12 months.

PUBLICITY

A site notice has been displayed and 15 letters of objection have been received. These letters raise similar issues to those raised by the parish council, together with the following issues:

- the applicant works outside of the specified days and hours of operation
- impact on local sewerage system
- impact on residential amenity
- designated parking area is being used by the applicant
- the use should be discontinued
- noise from dogs barking

- impact on parking
- the site should be restored to its previous condition.

ASSESSMENT

The application site consists of a static caravan which is used for the purposes of a dog grooming business. The site is located in a predominantly residential area within the settlement boundary for New Holland. The static caravan is finished in a blue colour and is bordered by decking to the frontage with Oxmarsh Lane. The site is located in flood zone 2/3a and is bordered by a terrace of residential properties to the east and west. To the rear of the caravan are two off-street parking spaces to serve the business.

Planning permission was granted in 2015 (under planning application PA/2015/0370) for this dog grooming business for a temporary period of two years. This application seeks to retain the caravan and associated parking/decking for a minimum period of five years or for a permanent period.

The main issues in the determination of this application are whether the retention of this dog grooming business and associated structures and parking impacts on both residential amenity and the character and appearance of the street scene.

Residential amenity/visual amenity

Policy DS4 of the North Lincolnshire Local Plan is relevant and states that the change of use from residential to other uses is considered acceptable, 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.

The proposal is not considered to impact on residential amenity if the hours of operation recommended in the condition by Environmental Health are adhered to; this condition ensures that the business will not operate outside of social hours of the day. A number of objectors raise the issue about the applicant previously operating the dog grooming business on bank holidays and Sundays; however the hours of operation is a matter which is subject to relevant enforcement action if the hours of operation specified within a condition are not adhered to. Notwithstanding this there is a requirement to consider that this proposal is for a local business and therefore this needs to be balanced against any potential impacts the retention of the business in this location may result in.

Environmental Health has considered the proposals and states that no noise complaints have been received in relation to the operation of the dog grooming business in this location. However, there is clear objection to the proposal from neighbouring properties citing issues that result in loss of residential amenity. It is considered that the three conditions recommended by Environmental Health are sufficient to protect residential amenity in this case; furthermore the hours of operation condition (which was also imposed on the previous planning permission) will limit its use to social hours of the day.

In light of the concerns raised by both the parish council and local residents, but also balancing the requirement to retain a local business, it is considered prudent to recommend a condition for the business to operate for a further temporary period of three years; a total

period of five years (accounting for the previous temporary permission for two years) is considered sufficient time in which the applicant could either establish the dog grooming business within an alternative location or to enable a more permanent building to be constructed in place of this temporary structure on the site. This is consistent with advice within policy DS6 of the North Lincolnshire Local Plan which states that a temporary permission for non-permanent structures (as is the case here) should not be used where a permanent permission would prejudice future development of the site.

Notwithstanding the fact that the applicant has tidied up the site and established a business in this location, it is considered that retention of a temporary structure in a street scene which is residential in nature is not considered appropriate on a permanent basis. The introduction of a building of permanent construction is considered to be more in keeping with the character and appearance of the street scene in the long term and would allow the applicant to maintain their business in this location. In addition, it is considered appropriate to recommend a condition requiring an agreed scheme of restoration for the site to take place following the expiration of the three year permission. This will ensure that the land is restored to a condition which is considered to be consistent with the character and appearance of the street scene.

Given the relatively short period of time that dogs are groomed within the caravan and the limited hours in which the business operates it is considered that there is sufficient space within the highway to the front of the site and an additional space to the rear (accounting for the applicant parking their vehicle to the rear) to meet the needs of the business without compromising parking, visibility or obstruction to neighbouring residential properties.

A number of objectors have also raised issues in relation to the impact of the business upon the local drainage system. Previously the applicant stated that foul water would be disposed of via mains drainage and waste dog hair would be collected and disposed of via a council collection service. In light of the issue relating to impact on the local drainage system it is considered appropriate to recommend a condition requiring any means of foul water disposal to be fitted with hair traps to prevent waste dog hair from potentially blocking up the drainage system.

Conservation issues

The parish council has reiterated their previous concerns in relation to the proposal being contrary to policies LC4 (Development affecting sites of local nature conservation) and LC11 (Areas of amenity importance) of the North Lincolnshire Local Plan. Neither of these policies is considered to be relevant in this case as, whilst the site had some amenity value as an open area of unused land, it is unlikely that it contributed to any form of nature conservation or particular amenity value as it was in a relatively untidy state prior to the applicant placing the caravan and fencing on the site. The caravan is not located on land with an LC11 designation and as such is not considered to compromise its character and form.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The use hereby approved shall be discontinued and the caravan and associated decking and fencing permanently removed from the site on or before three years from the date of this permission, and the land shall be restored to a satisfactory condition in accordance

with details to be submitted to and agreed in writing with the local planning authority before restoration is commenced.

Reason

The local planning authority is only prepared to grant a temporary permission in this instance due to the temporary nature of the caravan and fencing structures which are proposed to be retained in connection with the use hereby approved, in accordance with policies DS1, DS4 and DS6 of the North Lincolnshire Local Plan, and to enable the applicant to either construct a permanent building on the site or seek alternative permanent premises.

2.

Hours of opening shall be restricted to 8am to 2pm Monday to Saturday and the business shall not operate at all on Sundays and public/bank holidays.

Reason

To define the terms of the permission and in the interests of residential amenity, in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

3.

No dogs shall be kept on the premises outside of the approved hours of operation.

Reason

To define the terms of the permission and in the interests of residential amenity, in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

4.

The premises shall only be used for the grooming of dogs and no dogs shall be left unattended outside the caravan during the approved hours of operation.

Reason

To define the terms of the permission and in the interests of residential amenity, in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

5.

Notwithstanding the content of the supporting statement submitted with this planning application, the applicant, within one month of the date of this permission, shall install hair traps in all equipment which disposes of foul water (including sinks and drains). Once installed the hair traps shall be retained for the life of the planning permission.

Reason

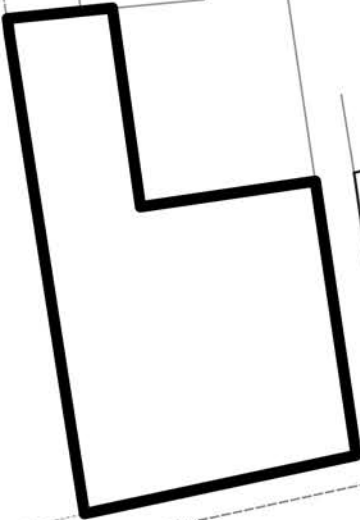
To ensure that the local drainage system is maintained free of obstruction from foul waste generated from the dog grooming business hereby permitted.

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.

Perseverance
Terrace

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PA/2017/1142 – Site Location



Manchester
PA/2017/1142 PROPOSED SITE
LAYOUT
Square

NOT TO SCALE

