

APPLICATION NO	PA/2019/1475
APPLICANT	Mr Nicholas Blackburn
DEVELOPMENT	Planning permission for a change of use to the storage and sale of vehicles
LOCATION	The Woodlands, Brook Lane, Scawby Brook, DN20 9JY
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework: Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

North Lincolnshire Local Plan: DS1, DS11, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3

CONSULTATIONS

Highways: Express some concern about the sporadic arrangement of parking around the dwelling. The officer suggests it would be useful to know how any separation is achieved between the cars parked for sale and those owned by the applicant.

Environment Agency: No objections or comments to make.

Drainage (Lead Local Flood Authority): No objections.

PARISH COUNCIL

Scawby Parish Council objects to the application as the business is being run from a residential property within a residential area. The access road is highly unsuitable for business activity and will adversely impact on neighbouring properties/residents.

PUBLICITY

The application has been advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015 as amended.

A number of objections have been received and the issues are summarised below (though this list is not exhaustive):

- impacts on highway safety
- impacts on residential amenity
- there are better located sites.

ASSESSMENT

Planning history

PA/2015/1189 and APP/Y2003/W/16/3142988: Application to operate an internet car business and store up to eight cars – appeal allowed 21/06/2016.

Allocations and constraints

The dwelling is located within the settlement boundary for Brigg, but part of the residential curtilage is located outside as identified by the Housing and Employment Land Allocations DPD 2016. The site is also partly within flood zone 2/3a (and partly outside) in accordance with the North and North Lincolnshire SFRA 2011.

Site characteristics

The proposal site relates to the keeping of cars for sale within the residential curtilage. The areas within the site shown are all within the settlement boundary, however they are located in a sporadic fashion around the curtilage. The dwelling itself has an attached outbuilding and a proportionate amount of curtilage in relation to the scale of the dwelling. The property is accessed from a narrow lane that would not allow for vehicle passing.

The following issues are relevant to this proposal:

- **principle of development**
- **highway safety**
- **amenity.**

Principle of development

In terms of planning principle, the proposal is not wholly unacceptable given the majority of the site is located within the settlement boundary, though members should acknowledge that some of the residential curtilage is located outside the development limit and a business use would be unacceptable and contrary to policies CS1, CS2 and CS3 in this location.

The applicant does show on plan that the vehicles for storage and sale would all be parked within the curtilage area and that it is located within the development limit; this would therefore be in accordance with the aforementioned planning policies and considered acceptable in principle. However, in terms of ensuring this occurs through condition would be difficult and any condition is unlikely to be precise and certainly unenforceable. However, a condition limiting the overall number of vehicles would pass the test of conditionality and this is discussed later within this report and is a way of controlling the amount stored on site.

It is therefore considered that the proposal is not wholly unacceptable in principle given that the changing use shown on plan is within the development limit. However, it should be acknowledged that it is potentially difficult to control cars being parked outside the limit and this relates to the type of block plan provided by the applicant which shows parking bays sporadically parked around the curtilage rather than a section of the site. However, given the potential limited impact upon the countryside, the proposal in this instance is considered acceptable.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all proposals should be served by a satisfactory access. T19 is concerned with parking provision and is also considered acceptable.

The highways officer has assessed the application and has expressed concerns in relation to the width of Brook Lane. The officer has also stated that it would be useful to know how the internal arrangement of the site would work given the plan put forward by the applicant shows 10 spaces within the curtilage that would be used; however, it is not practice or believable that vehicles could be parked in this ad hoc manner and certainly any condition could not be enforced. The applicant has responded stating that a maximum of 10 vehicles would be parked within the curtilage and this includes family cars and those for sale, as well as visitors. The highways officer does make comment that, assuming the numbers are accurate (referring to the plan and application form, not the applicant's updated response), it would be difficult to justify an objection on highway safety grounds.

A condition limiting the number of motorised vehicles on site to 10 at any one time is therefore proposed. Given the aforementioned mitigation, it is considered that the proposal is acceptable.

Amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, "...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing." Policy DS11 is also concerned with pollution control and is considered acceptable.

The council's Environmental Health team have been consulted and have not made comments. However, it is considered that there are mitigating factors that would ensure that the proposal would not have any unacceptable impact on the amenities of neighbouring properties. These factors are:

- the way the business operates, in that sales take place online and site visits are made by appointment only; and
- limiting the number of vehicles to 10 at any one time.

These factors would contribute to making this application acceptable in terms of amenity impacts upon neighbouring dwellings. In the previous appeal decision (see planning history) the inspector put forward a condition restricting visitors on an appointment basis; it is considered that a similar condition could be attached to this permission. A further condition is recommended to limit the number of vehicles on site to 10.

The proposal is therefore considered to be in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Conclusion

The proposal is predominantly located within the settlement boundary and conditions restricting the number of vehicles stored on site as well as restricting visitors to appointments only would mitigate impacts upon both the highway and residential amenity. Lastly, the proposal would represent minor development in flooding terms.

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: location plan, site plan.

Reason

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

3.

The use hereby approved shall be for internet-based car sales and restricted to visitors on an appointment basis, with no on-site advertising, and visitors to the business shall only be allowed between the hours of 8am to 8pm Monday to Sunday.

Reason

In the interest of amenity and in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No more than 10 vehicles shall be parked at the address known as Springfield Lodge at any one time unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of highways safety and amenity in accordance with policies T2, T19 and DS1 of the North Lincolnshire Local Plan.

5.

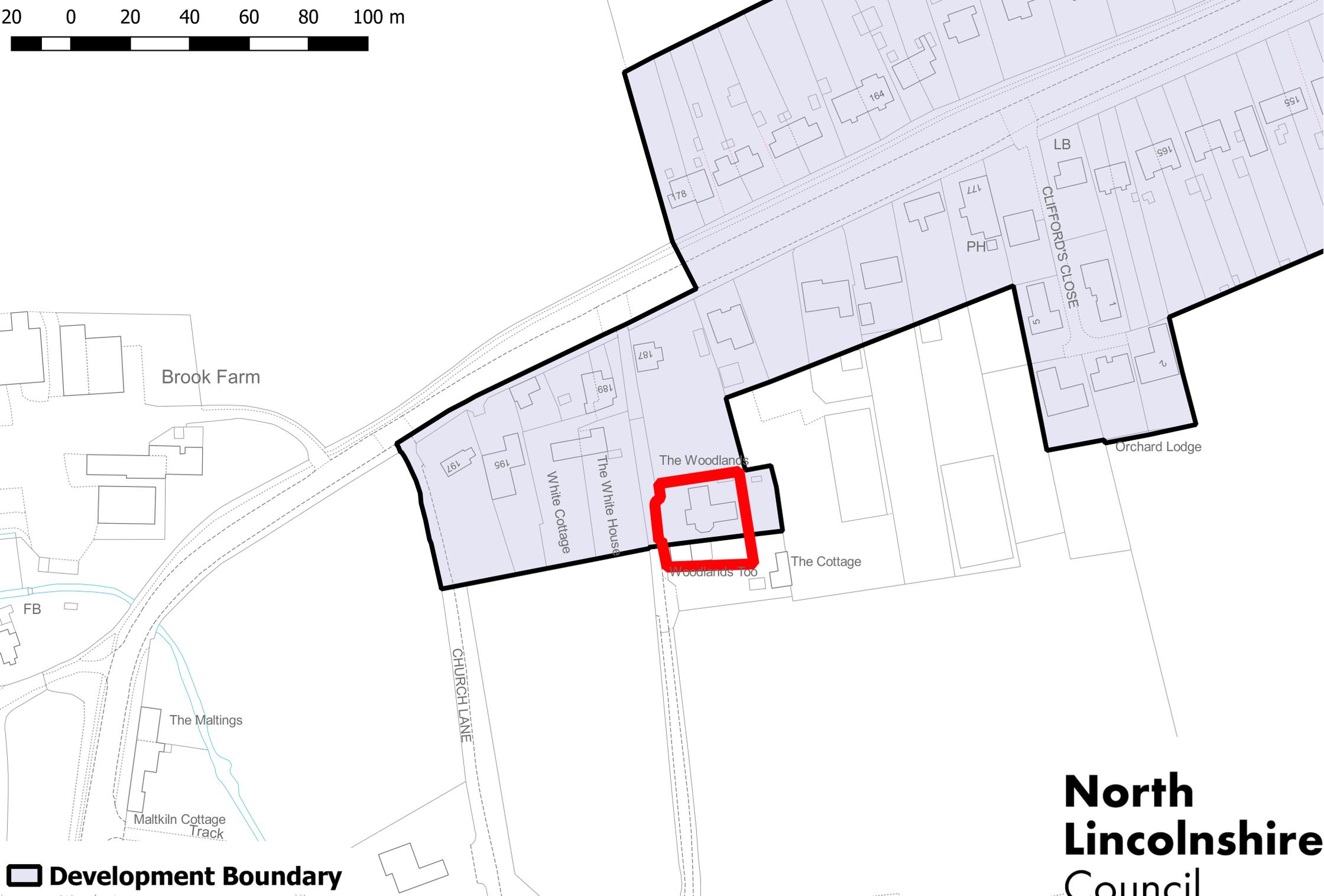
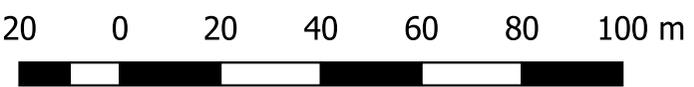
At no time shall any vehicle be positioned or advertised for sale within the limits of the adopted highway.

Reason

In this interests of highway safety and amenity in accordance with policies T2, T19 and DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

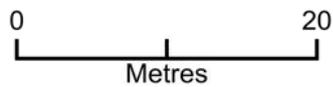


 Development Boundary

PA/2019/1475

**North
Lincolnshire
Council**

The Woodlands, DN20 9JY - Site Plan



Plan Produced for: Nicholas Blackburn

Date Produced: 23 Aug 2019

Plan Number/Project ID: TQRQM19235153926191

Scale: 1:500 @ A4