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| <b>APPLICATION NO</b>                     | <b>PA/2023/312</b>   |
| <b>APPLICANT</b>                          | Mr J K Costello  |
| <b>DEVELOPMENT</b>                        | Planning permission for an extension to an existing commercial unit to be used for valeting cars |
| <b>LOCATION</b>                           | James Street Yard, James Street, Brigg, DN20 8LS   |
| <b>PARISH</b>                             | Brigg  |
| <b>WARD</b>                               | Brigg and Wolds  |
| <b>CASE OFFICER</b>                       | Paul Skelton   |
| <b>SUMMARY RECOMMENDATION</b>             | <b>Approve with conditions</b>   |
| <b>REASONS FOR REFERENCE TO COMMITTEE</b> | Objection by Brigg Town Council  |

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

### **North Lincolnshire Local Plan:**

IN3 – Industrial and Commercial Development

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

### **North Lincolnshire Core Strategy:**

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS11 – Provision and Distribution of Employment Land

CS25 – Promoting Sustainable Transport

### **Housing and Employment Land Allocations Development Plan Document:**

Policy PS1 – Presumption in favour of sustainable development

Inset 10 – Brigg, Scawby Brook and Castlethorpe

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS8 – Employment Land Requirement

SS11 – Development Limits

EC2 – Existing Employment Areas

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

DM1 – General Requirements

### **CONSULTATIONS**

**Highways:** No objection subject to the use being tied to the neighbouring car sales business.

**LLFA Drainage:** No objection subject to a condition requiring a detailed surface water drainage scheme for the site.

**Environmental Protection:** Raise concerns about potential contamination. If permission is to be granted, request a contaminated land condition be included.

## **TOWN COUNCIL**

Objection:

- The Manley Garden ponds are directly behind the proposal and excess water will increase the risk of flooding in this area.
- The drainage for foul water in the proposed plans is inadequate. This foul water will be contaminated with chemicals.
- There is insufficient parking in this area. Outside the proposals there are double yellow lines and moving the development to the boundary of the property takes away any parking that may have been available before.

## **PUBLICITY**

The application has been advertised by site notice displayed. No comments have been received from members of the public.

## **ASSESSMENT**

### **The site and its location**

The application site comprises an existing industrial premises at the southern end of St James' Yard, Brigg. The unit is occupied by an auto engineering business and comprises a small lean-to style building and concrete yard.

To the south is open land, with a pond to the south-west, towards the southern end of Manley Gardens. To the east is a dwelling, 33a Manley Gardens. To the north is a similar commercial unit and to the west is a car sales business, which the proposed development is intended to serve.

### **Planning history**

A certificate of lawfulness for an existing use as a scrap metal store (reference: LDC/1993/0006) was granted in 1993.

Furthermore, planning permission was granted on appeal for a dwelling to the east of the site (now known as 33a Manley Gardens) in April 2005 (reference: PA/2004/1173).

### **The development**

The application was originally submitted with the description 'Erection of new commercial unit'; however, through the application process the proposal has been clarified and it is intended that the proposed unit would be used solely for the valeting of cars associated with the neighbouring car sales business. The description has thus been amended to reflect that.

The applicant's agent has confirmed that the valeting will be 'dry' only as no car washing would take place on the application site. The activities will be internal cleaning/polishing and detailing, so there would be no risk of water contamination. It has also been confirmed that no additional parking is required as this enterprise is proposed to service the car sales business next door and is not a 'drive in' type service which would generate visitors.

The proposed extension would have a floor area of 91 square metres. The design would replicate the lean-to style of the existing building, with the eaves height at the front measuring approximately 3.5 metres and the rear wall some 4.5 metres, both of which are lower than the existing building. The building would be constructed of corrugated metal sheeting, with two roller shutter doors to the front.

## **Material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents as specified above.

**The main issues for consideration are the principle of development, impact on neighbouring property/contaminated land, accessibility and highway safety, and flood risk and drainage.**

### **The principle of development**

The site is within the settlement boundary of Brigg, as defined by the Housing and Employment Land Allocations DPD. Core Strategy policy C2 supports, among other things, development on previously developed land and buildings within the principal growth settlements, including Brigg. Policy CS5 requires high quality design which reflects guidance in saved local plan policy DS1 and the NPPF. Policy SC11 supports the continued expansion of the area's economy in order to create a step change in the area's role regionally and nationally.

Paragraph 81 of the NPPF sets out that significant weight is placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application site is in a sustainable location where the Development Plan supports business development. The principle is therefore acceptable subject to detailed policy requirements, discussed below.

In terms of benefits, these are necessarily limited by the scale of development. The proposal would result in economic benefits, both during and post-construction, including the creation of additional employment opportunities.

### **Impact on neighbouring property/contaminated land**

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 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 DS5 of the local plan requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupants. Proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The Environmental Protection Officer has been consulted and has raised some concerns about the nature of the use and the potential for contaminated land. It should be noted that immediately to the east is the residential property 33a Manley Gardens.

In terms of the proposed use, as referred to above, it has been clarified that this would be ancillary to the existing use of the neighbouring car sales business. It would not, therefore, be open to the public and only used to valet the company’s own vehicles. Hours of operation would match those of the existing unit. It should be borne in mind that the valeting of vehicles could be carried out in the open air on the site as it stands (albeit this would not always be possible due to weather conditions), and the provision of the building would minimise any impacts on neighbouring properties.

It should also be borne in mind that the neighbouring property, 33a Manley Gardens, was built after the commercial use of the application site commenced and was designed to take this into account, at a time when the lawful use of the site (established by the 1993 certificate of lawfulness) was for the storage of scrap metal. The applicant for that dwelling, the local planning authority, and a Planning Inspector considered that relationship to be acceptable. It is not considered that a more low-key use, housed within a building, would cause any greater harm than the previously authorised use.

On that basis, and given the nature and scale of the operations, it is not considered reasonable to require detailed noise information, and it is not considered that the proposed building, nor its proposed use, would give rise to unacceptable impacts on neighbouring properties.

In terms of contamination, given the history of the site, it is possible that contaminants would be found; however, given the proposed use in this particular case, it is considered reasonable that this can be addressed by planning conditions, as recommended below.

### **Accessibility and highway safety**

Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided. Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

As set out above, the site is within the settlement boundary of Brigg and has good accessibility within the town and beyond. The access currently serves the existing use and, given that the site is proposed to be used in conjunction with the neighbouring use, would not give rise to a significant number of vehicles using the existing access.

The Highways Officer has been consulted and initially raised concerns due to the narrowness of the access road and limited on-site turning space. Nevertheless, with the clarification that the proposal simply seeks to extend the existing use by providing indoor valeting, it is not considered that the proposal would result in a significant increase in the number of vehicles likely to use the site and would not involve regular visits by members of the public. A condition is recommended to ensure that the building is used in conjunction with the existing use on the site.

In light of the above, there is no objection on transport/highway safety grounds.

### **Flood risk and drainage**

The site is within SFRA flood zone 2/3(a) fluvial. The NPPF and planning practice guidance support a pragmatic approach when dealing with minor developments. This is a small extension to an existing commercial premises and the principle of development is therefore considered acceptable in this instance in relation to flood risk. A Flood Risk Assessment has been submitted which concludes that the proposed extension is not at significant flood risk, and would not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented.

The LLFA have been consulted and raise no objection to a condition requiring the approval and implementation of a detailed surface water drainage scheme. The LLFA have also commented specifically in response to the town council's concerns. The LLFA advise that the watercourse the town council refer to is approximately 40 metres from the southern boundary of the development and so would not be directly affected by the proposals. It is considered that any concerns in this respect would be addressed by the suggested condition which requires the existing surface water drainage system and outfalls to be fully investigated. No objections have been raised by technical consultees in respect of foul drainage and whilst the town council's comments are noted, this is a matter which would be addressed under the building regulations.

### **Conclusions and planning balance**

As set out above, the principle of development is acceptable. There are no unacceptable impacts in respect of neighbouring property, highway safety or drainage, and the proposal would give rise to, albeit limited, economic benefits. It is therefore recommended that permission is granted subject to the conditions set out below.

### **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:

- BR/DE/MF/02 (Proposed floor layout, existing elevations, proposed elevations)
- BR/DE/MF/03 (Proposed site layout).

Reason

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

3.

The development hereby permitted shall be used solely for the valeting of vehicles in conjunction with and ancillary to the existing business at the site edged blue on the attached plan (Drawing number BR/DE/MF/04). The use shall at no time be open to visiting members of the public.

Reason

Separate use of the site as a stand-alone enterprise would require further assessment of highway and amenity impacts.

4.

The external facing materials used in the construction of the development hereby permitted shall match those of the existing building.

Reason

In the interests of good design.

5.

The use hereby permitted shall only operate between the following hours:

- 8.30am to 6.30pm Mondays to Saturday; and
- 10am to 4pm on Sundays, Bank Holidays and Public Holidays.

Reason

To define the terms of the permission in the interests of residential amenity in accordance with saved policy DS1 of the North Lincolnshire Local Plan.

6.

The development hereby permitted shall not be first brought into use until a detailed surface water drainage scheme for the site has been completed in accordance with details which have first been submitted to and approved in writing by the local planning authority. Once implemented, the drainage scheme shall be thereafter retained and maintained in accordance with the approved details for the lifetime of the development. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

## Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

7.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale, and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.



#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

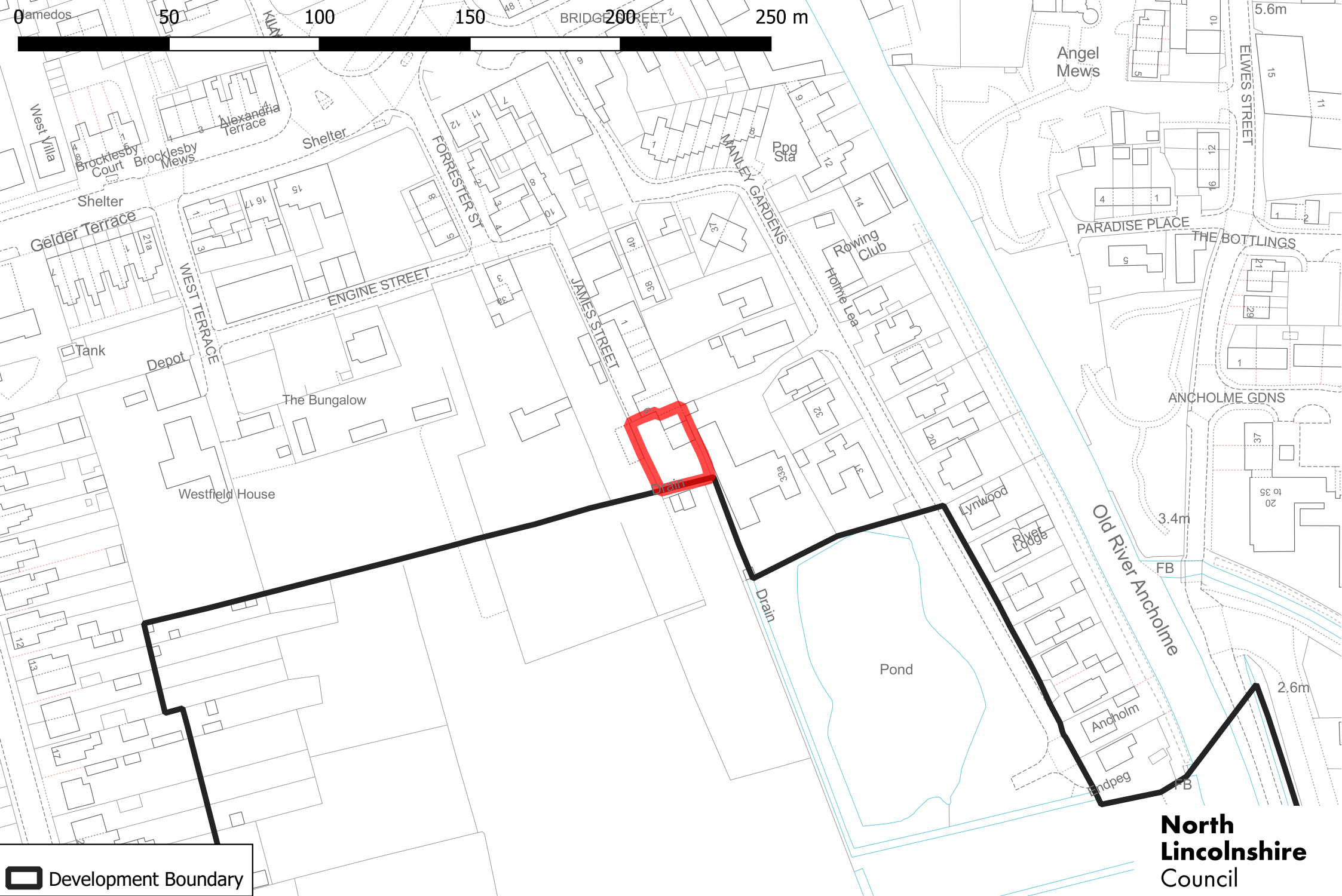
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure the site is safe for future users and construction workers.

#### **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.



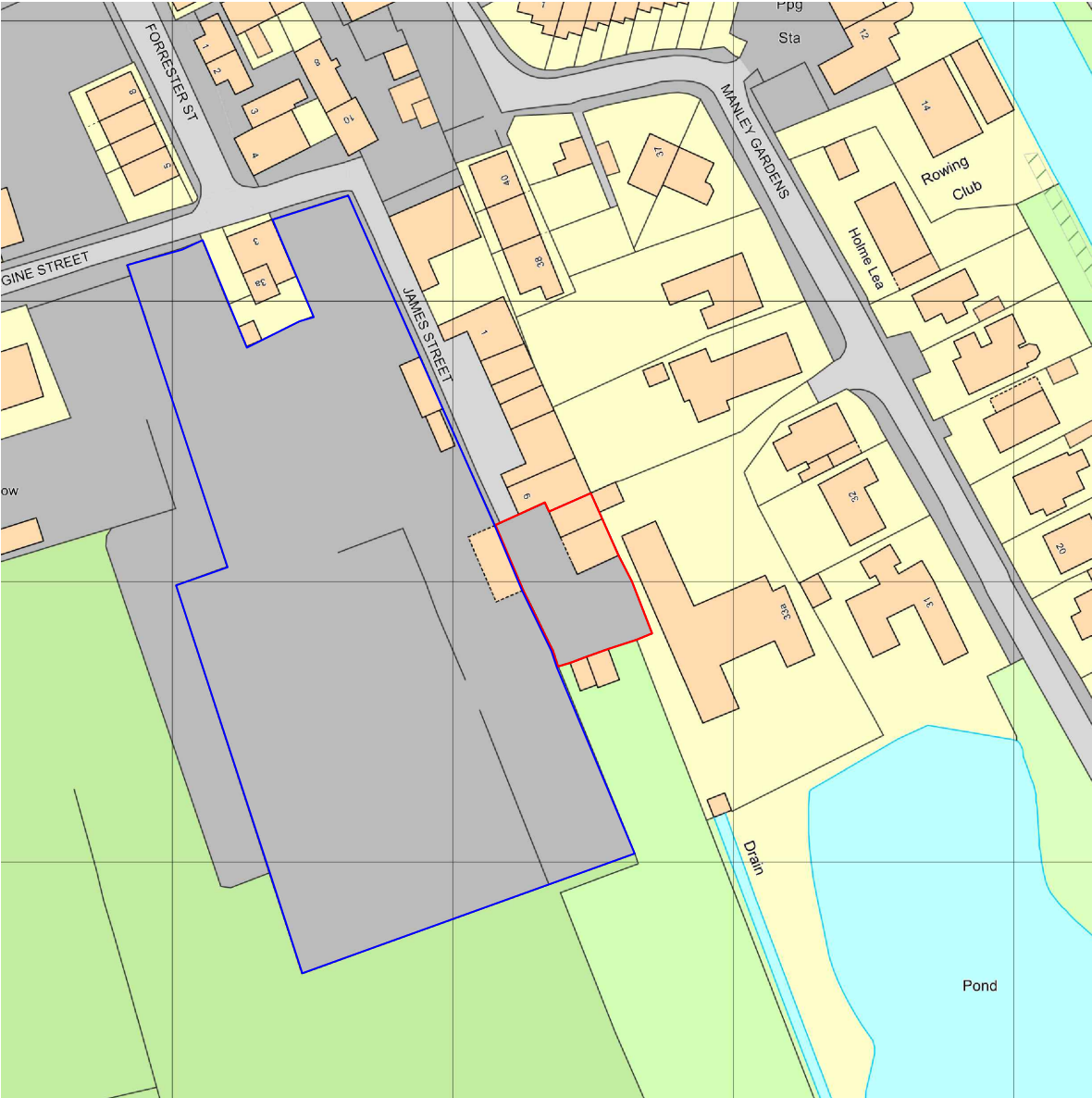
 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2023/312**

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# PA/2023/312 Plan referred to in condition 3 (not to scale)



key:  
 application site ————  
 neighbouring business ————

Block Plan  
 Scale 1:1250



Proposed extension of commercial building  
 James Street, Brigg.  
 Client: Drury Engineering Ltd

| Issue Status |   |
|--------------|---|
| Consultation |   |
| Preparation  | X |
| B Stage      |   |
| Construction |   |

Title:  
 Block plan

# PA/2023/312 Proposed layout (not to scale)



Proposed site layout  
Scale 1:200



Proposed extension of commercial building  
James Street, Brigg.  
Client: Drury Engineering Ltd

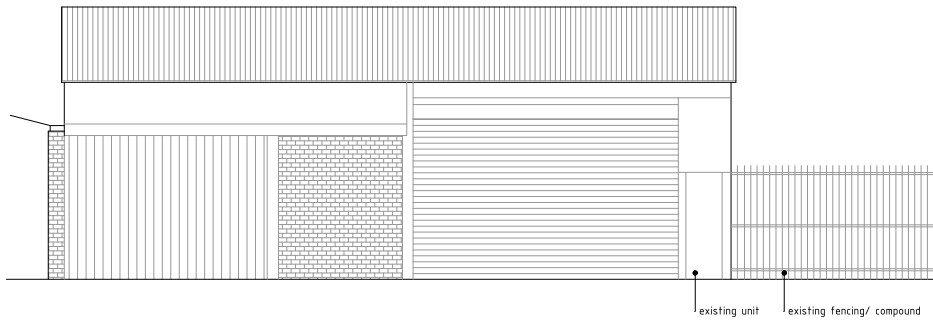
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|--------------|---|
| Consultation |   |
| Planning     | X |
| B Reps       |   |
| Construction |   |

Title:  
proposed site layout

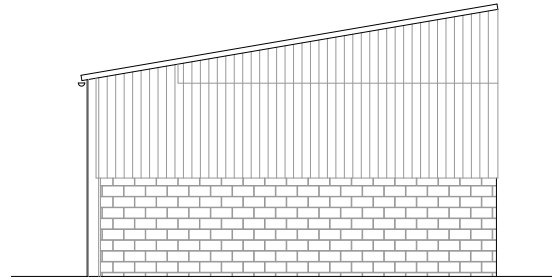


Draw No: BR/DE/ME/03  
Scale: as indicated @ A1  
Date: 28/02/2023

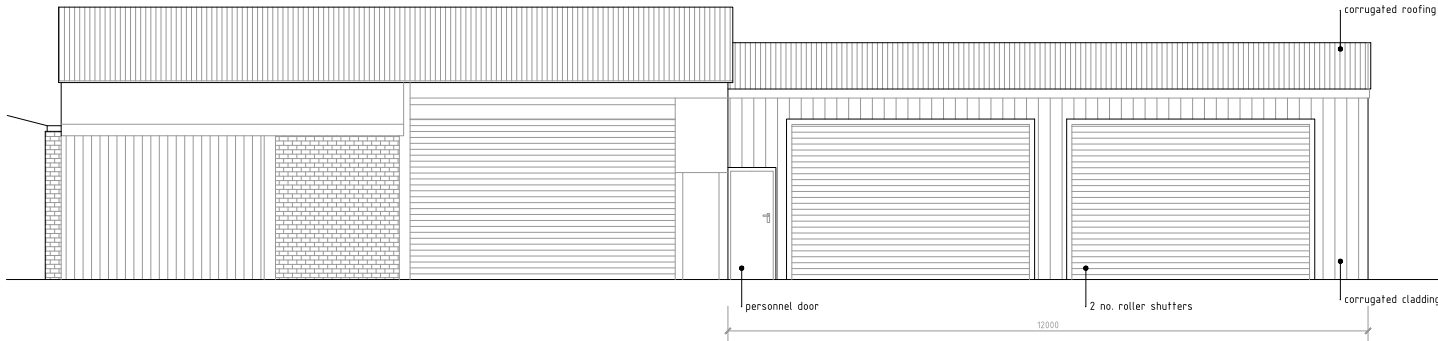
# PA/2023/312 Proposed layout and elevations (not to scale)



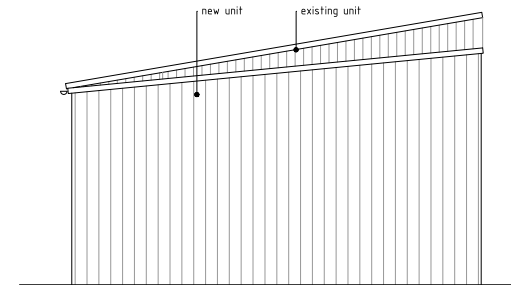
existing front elevation  
Scale 1:50



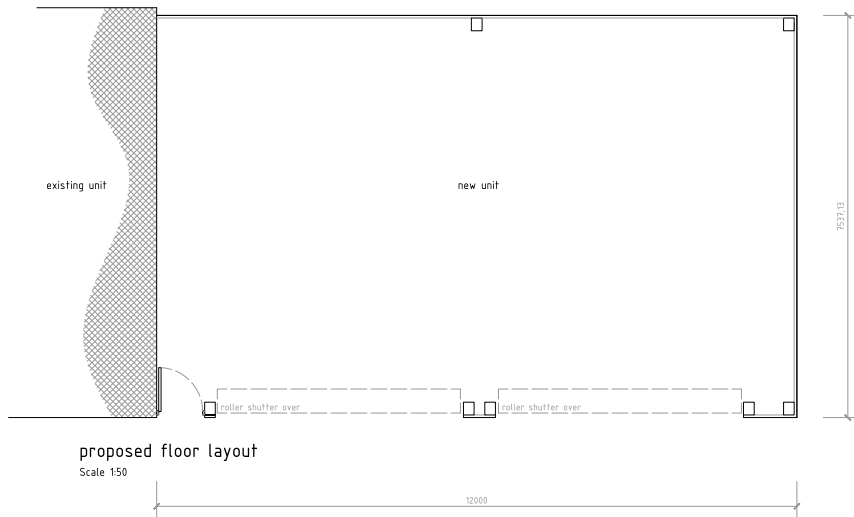
existing side elevation  
Scale 1:50



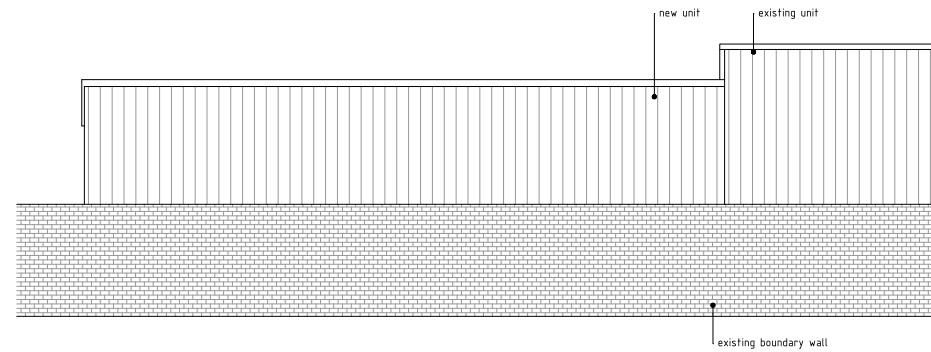
proposed front elevation  
Scale 1:50



proposed side elevation  
Scale 1:50



proposed floor layout  
Scale 1:50



proposed rear elevation  
Scale 1:50



Proposed extension of commercial building  
James Street, Brigg.  
Client: Drury Engineering Ltd

| Issue Status |   |
|--------------|---|
| Consultation |   |
| Planning     | X |
| B Stage      |   |
| Construction |   |

Title:  
proposed floor layout  
existing elevations  
proposed elevations