

<b>APPLICATION NO</b>	<b>PA/2023/311</b>
<b>APPLICANT</b>	Mr Gurmeet Singh Athwal
<b>DEVELOPMENT</b>	Proposed change of use from a store room to a commercial car repairs and tyre replacement garage
<b>LOCATION</b>	312 Messingham Road, Bottesford, DN17 2QY
<b>PARISH</b>	<b>BOTTESFORD</b>
<b>WARD</b>	Bottesford
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Bottesford Town Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 6 Building a strong, competitive economy
- 11 Making effective use of land
- 12 Achieving well-designed places

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

- DS1 General requirements
- DS4 Changes of use in residential areas
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- T2 Access to development
- T19 Car parking provision and standards

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

- CS2 Delivering more sustainable development
- CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS19 Flood risk

**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 early 2024.

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

SS11 Development limits

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

## **CONSULTATIONS**

**Environmental Protection:** Initially had concerns about the impact of noise because there was insufficient information from the applicant. However, following the submission of a noise impact assessment, the department has indicated that they have no objection subject to conditions.

**LLFA Drainage:** No objections or comments to the proposed development.

**Highways:** Initially had concerns regarding the current use of the building and the proposed parking provisions. Following the submission of additional information by the applicant, which includes the number of staff and vehicles on site at any one time, the department has confirmed that they have no objection because sufficient parking will be provided on site for all staff and customer vehicles.

## **TOWN COUNCIL**

Objects to the application raising the following concerns:

- The location is not suitable for a working repair garage because it is situated in the middle of a residential area.
- The development has no designated parking facilities.
- The area is saturated with several businesses using one car park.
- The town council has highway concerns with egress onto a busy road.

- Concern about the health and safety of residents with tyres to be stacked up outside the proposed building.
- Concern about the possibility of flammable materials on site.
- Concern about the noise for residents on Messingham Road and Wayside Close.

## **PUBLICITY**

A site notice has been displayed. Nine responses have been received objecting to the proposal and raising the following concerns:

- the proposal is not appropriate within a residential area
- impact on children using the nursery playground
- vehicle traffic
- fumes
- parking provision
- noise nuisance
- odour
- impact on health.

## **ASSESSMENT**

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

### **Site constraints**

Within the development boundary

SFRA flood zone 1

### **Planning history**

PA/2000/0478: Planning permission to erect a building for the storage and renovation of vintage tractors in connection with a hobby – approved 14/07/2000.

*Note:* The applicant has cited the above application in the design statement as planning history. Please note, however, that the approved storage building referenced above is located at the rear of 314 Messingham Road, within the curtilage, and is not the same building being considered under this application, PA/2023/311.

### **Site description and proposal**

This proposal seeks a change of use from a storeroom (Class B8: Storage or distribution) to a commercial car repairs and tyre replacement garage (Class B2: General industrial) at the

rear of 310–312 Messingham Road, Bottesford. The site is within the development boundary. The warehouse was previously utilised storage area for the convenience store.

The surrounding area is characterised by mixed uses comprising residential properties and shops. The site is at the rear of the convenience store and it is bounded by residential properties to the north, east and south.

In support of the proposal, the applicant has indicated that the site is a warehouse/workshop used by a convenience shop. However, it is currently vacant. It consists of a large open-plan warehouse space in a brick and steel-clad building, with extensive hardstanding and vehicle and pedestrian access taken from Messingham Road.

The warehouse/workshop would be used for commercial activities (commercial car repairs and tyre replacement garage) offering opportunities for small businesses. The applicant has also indicated that the proposal would provide investment, support the local and wider area in terms of boosting the economy, and offer employment opportunities.

The footprint of the building is 151 square metres. There are no proposed changes to the layout of the site or the existing access. The external hardstanding area will be designated as shared parking, turning arrangements and delivery areas.

## **Key issues**

**The key issues to be considered in the assessment of this application are:**

- **the principle of the development**
- **layout, siting, and design**
- **impact on residential amenity**
- **highways impact**
- **impact on drainage**
- **employment and economic growth.**

## **Principle of development**

Chapter 6 of the NPPF (Building a strong, competitive economy) requires that planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider development opportunities.

Chapter 9 of the NPPF (Promoting Sustainable Transport), under paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Under paragraph 185 of the NPPF, planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as

well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: 'a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

Policy DS4 (Changes of Use in Residential Areas) supports proposals for a change of use in residential areas provided that the development will not adversely affect the appearance and character of a residential area or residential amenity through noise, vibration, traffic generation, a reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions. The policy is related to policy DS3, which seeks to help encourage the growth and development of small businesses but to maintain control over the impact that business activity, carried out at home, can have on the surrounding area.

As outlined in the description section above, this proposal is for a change of use from a storage building (Class B8 – Storage or Distribution) to a car repair and tyre replacement garage (Class B2 – General Industrial). Class B8 – Storage or Distribution has been established on the site and Class B2 – General Industrial) would not generally be allowable within a residential area because it is not an industrial location, where noise from commercial premises would likely be appropriate outside residential areas.

Regarding policy DS3, which seeks to help encourage the growth and development of small businesses, the site is an established Class B8 use and while the proposed Class B2 (industrial uses) is in a different use class, it would support the continued use of the site for employment and would comply with both national and local planning policy.

Having reviewed the details of the proposal as outlined in the description section and consistent with the above policies, on balance of assessment, in principle, the development would meet the aims of the above policies subject to compliance with other key tests such as the effect on the appearance and character of a residential area or residential amenity through noise, vibration, traffic generation, a reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions, and other relevant policies of the local development plan.

In principle, the proposed new use is considered acceptable.

### **Layout, siting, and design**

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out the key design principles for all new developments in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors, and visitors.

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources, utilities and services.

Regarding design, no alterations are proposed to the existing building. The footprint of the building is 151 square metres. There are no proposed changes to the existing access. The external hardstanding area will be designated as shared parking, turning arrangements and delivery areas.

At present, due to the level of storage and parking, the site has adopted a more industrial look. This proposal would not result in an extension to the existing building and there would be no changes to the external appearance of the building; it would therefore not raise any planning issues in terms of siting, layout and design, particularly the impact on the character of the area and the street scene.

No objections have been received from consultees.

In conclusion, the proposed development does not materially alter the appearance of the site and no objection is raised on this basis.

### **Impact on residential amenity**

Policy DS1 (General Requirements) requires that all development in both built-up areas and the countryside are considered against amenity impact. The policy requires that 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.

This proposal is in a residential area, and it is considered that the proposal may have the potential to create noise through customer/staff activity.

The Environmental Protection team have been consulted on the proposal and have no concerns regarding potential noise/nuisance from the proposed (B2) use of this industrial unit.

They have confirmed that they have received and reviewed the following report.

- Environmental Noise Solutions Limited, Noise Impact Assessment, dated: 25 August 2023, ref: NIA-11051-23-11225-v1 Messingham Road.

They have commented that noise monitoring was undertaken at two locations on 4 August 2023: MP1 was located on the eastern boundary of the site adjacent to the nearest residential receptor, and MP2 was located internally to measure noise from simulated vehicle repairs.

A BS4142:2014 + A1:2019 assessment has been undertaken and found the specific sound level at the nearest residential receptor was 27dB LAeq 1hr. A penalty of +3dB has been added to give a rating level of 30dB LAeq 1hr. The background sound level was recorded at 43dB LA90 15min. The resultant excess of the rating level above the background level is -13dB and is reported as a low impact.

Given the above, Environmental Protection recommends the inclusion of conditions should the application be approved.

From the above, it is considered the proposal would raise no significant concerns over potential greater noise/nuisance that would warrant refusal of the application.

In terms of overbearing impact, overshadowing and privacy, as indicated earlier, this is an existing storage building; there would be no extension of the building and no changes would be made to the external appearance. It is therefore judged that any unanticipated impact would be no worse than existing.

## **Highway safety**

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions. There is an existing parking provision which will remain unchanged.

The proposal does not involve any extension to the building and has an existing access, parking and turning area. The impact on traffic flow on Messingham Road and parking for the unit is unlikely to be significant, such that there would be a knock-on impact on the public highway. With the warehouse located within private land containing parking spaces set back from the road, there is little risk that parking or servicing associated with the unit, even by cars awaiting repair or collection, would impact the public highway.

Highways has reviewed the proposal and has commented that from the additional information provided by the applicant, the number of staff and vehicles on site at any one time will be minimal. Sufficient parking will be provided on site, for all staff and customer vehicles. The proposals will create a slight increase in vehicle movements throughout the day but it is not envisaged that this will have an adverse impact on the adjacent highway network.

The Highways officer has recommended conditions that should be applied to any planning permission. Accordingly, the proposal would comply with policies T2 and T19.

## **Drainage**

Policy CS19 (Flood Risk) of the Core Strategy is concerned with flood risk and policy DS14 (Foul Sewage and Surface Water Drainage) is concerned with foul sewage and surface water drainage.

The application site is within SFRA flood zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections or comments to the proposed development.

## **Environmental protection**

As outlined in the impact on residential amenity section, the Environmental Protection team, initially raised concerns about noise nuisance, because the proposed vehicle repair and tyre replacement garage is located directly adjacent to residential properties and therefore there is the potential for the proposed use to have a detrimental impact on the nearby residential properties, additionally, the proposed B2 class use is not considered compatible within a residential area. Following receipt of additional information, and an assessment, the department has recommended the inclusion of conditions should the application be approved.

## **Bottesford Town Council comments**

Bottesford Town Council objects to the application as outlined in the Town council section above. The relevant planning matters raised relate to noise, access, parking and public safety. The concerns about access and parking have been addressed in the Highway safety section.

The council's Environmental Protection team has considered the application and has addressed the noise concerns. The comments are highlighted in the Impact on residential amenity section.

## **Letters of comment**

Nine objection letters have been received. The concerns raised are similar to those raised by Bottesford Town Council. These include vehicle traffic, fumes, parking provision, noise nuisance, odour, and impact on health. All the relevant planning considerations have been addressed in this report.

## **Conclusion**

In conclusion, on balance of assessment, the proposed change of use from a store to a commercial car repairs and tyre replacement garage is acceptable in terms of its principle use in policy terms and in terms of its impact on the public highways, a grant of planning permission is recommended.

The site is within the development boundary and on a site deemed as a sustainable location. It is considered that the size of the business proposed is appropriate in the context of the locality, in what is a sustainable location.

There are no issues with the layout, siting and design because the proposal would not harm the character of the building, the surrounding area or the street scene.

The proposal would also not impact neighbouring amenities in terms of overshadowing, overbearing impact or privacy.

Notwithstanding the above, it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impacts and that could operate within the B2 use class.

Overall, the proposal complies with the relevant policies of the National Planning Policy Framework, the North Lincolnshire Local Plan and the Core Strategy and is recommended for approval.

## **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: Site Plans 1744.01 Rev. A

Reason

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

3.

The hours of use shall be limited to the following:

- 9am to 5pm Monday to Friday



- 9am to 3pm on Saturdays
- at no time on a Sunday or public holidays.

The roller shutter doors shall be kept closed except for access and egress.

There shall be no vehicle repairs or operating of plant machinery externally on the site.

**Reason**

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The development shall not be brought into use until the vehicle parking, turning and servicing areas have been completed in accordance with the approved details.

**Reason**

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

5.

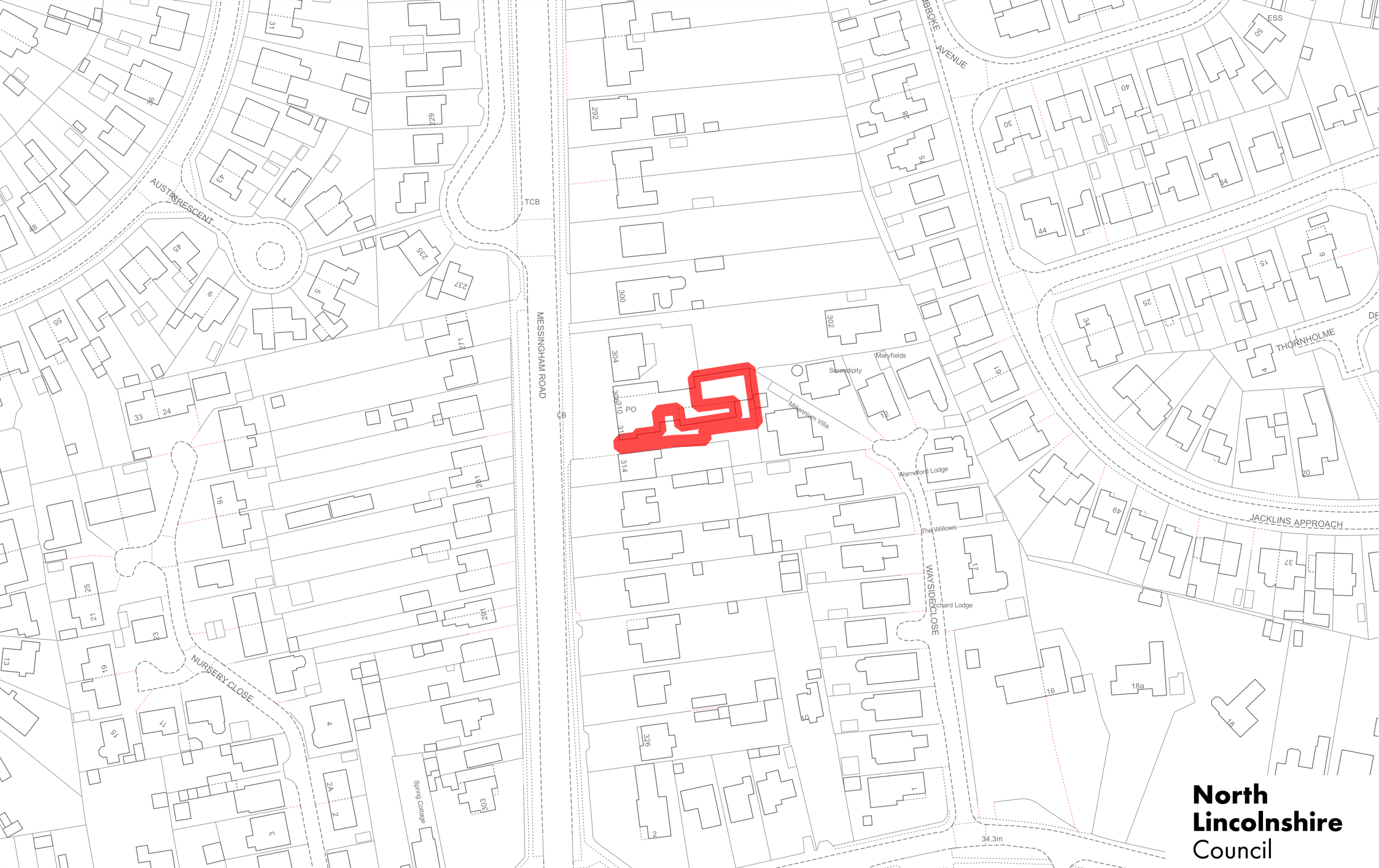
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely commercial car repairs and tyre replacement garage and not for any other purpose, including any other use within Use Class B2.

**Reason**

In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

**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.



**North  
Lincolnshire  
Council**

**PA/2023/311**

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**NOTES:**

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.

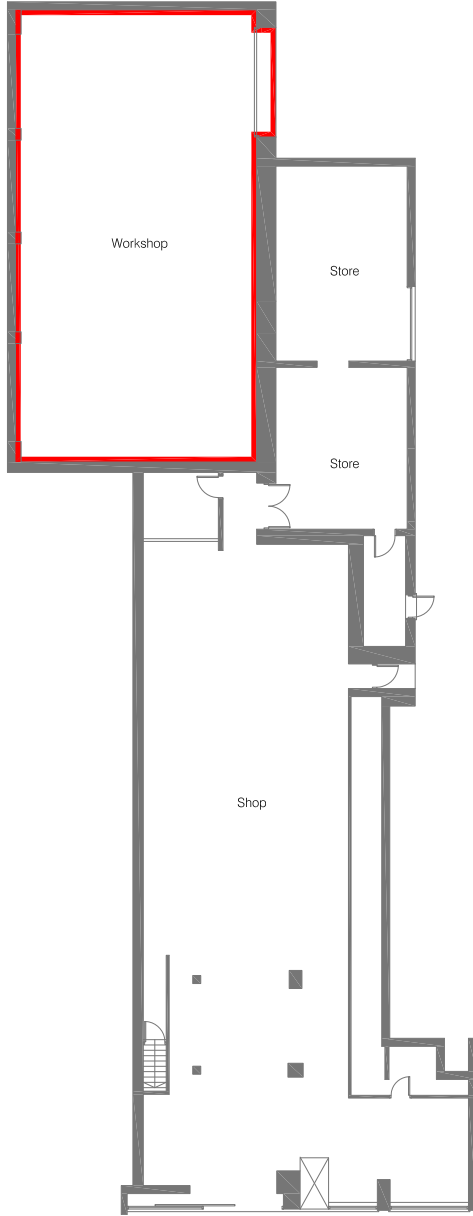
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**PARTY WALL NOTICE(S)**

**Building within (A) or against (B) the boundary line:**  
If you plan to build a party wall inside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

**Excavating near neighbouring buildings:**  
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

**Excavating near neighbouring buildings:**  
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will not go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



Floor Plan  
scale 1:100



Site Plan  
scale 1:200



1:1250  
0 25m 50m 75m 100m 125m  
Ordnance Survey. (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

Location Plan  
scale 1:1250

**NOT FOR CONSTRUCTION**

no.	amendment	date	drawn by	checked by
A	Red Line Boundary Amended and Parking Added	31/03/23	JCB	JCB
Proposed Change of Use at Workshop to Pair of 21/02/23 Messingham Road Souththorpe	Site Plans	1744_01 rev A	drawn	Mar 23
	stage	Planning	drawn by	JCB
	scale	as noted	drawn by	JCB