

APPLICATION NO	PA/2021/1033
APPLICANT	Mr J Oates Smith
DEVELOPMENT	Planning permission for change of use of garage/outbuilding to restaurant/café (Use Class A3) [now Class E (Commercial, business and service)] and associated works
LOCATION	Garage/outbuilding at 2 Westgate Road, Westgate, Belton, DN9 1QG
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tim Mitchell – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 6: Building a strong, competitive economy

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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

North Lincolnshire Local Plan:

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

Policy DS4: Changes of Use in Residential Areas

Policy DS11: Polluting Activities

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy S9: Restaurants and Hot Food Takeaway Establishments

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS14: Retail Development

Policy CS19: Flood Risk

CONSULTATIONS

Environmental Protection: No objection subject to conditions relating to noise, and extraction or filtration.

Historic Environment Record: No objection.

Drainage Team (Lead Local Flood Authority): No objections or comments.

Highways: No objection subject to conditions.

Trees and Landscape: The line of trees along the frontage of the site are council-owned highway trees and as such need to be retained. The applicant must not undertake any works to compromise these trees as they are not within their ownership. [An informative will be applied to the decision notice if permission is granted.]

PARISH COUNCIL

Belton Parish Council has no objection to the application but recommends the owner makes enough parking available for the number of people expected and ensures it is as unobtrusive as possible with deliveries, noise and concerns over school drop-off and pick-up times where the road is busy.

PUBLICITY

A site notice has been posted. Fourteen responses have been received raising the following concerns:

- the property boundary
- parking spaces
- pedestrian safety at the access
- the café would take away business from similar food outlets in the area

- noise nuisance
- increased traffic
- drainage systems
- flooding.

ASSESSMENT

Members will recall that this application was reported to Planning Committee on 22 September 2021. During the discussion Members raised a number of concerns about a new plan produced by the applicant on the site visit detailing five existing spaces to be retained (unmarked in front of the bungalow) in addition to the three additional spaces. It was advised that the plan could not be accepted at such a late stage and that the application may need to be re-consulted upon if an amended plan is accepted and an updated report presented to a future meeting. This report addresses the above issues.

The site is outside the development boundary for Belton along Westgate Road. The site contains a detached dwelling and outbuildings set in a large garden. The dwelling is sufficiently set back from the road and has existing access to the site taken from Westgate Road.

The site is bounded by Westgate Road to the south, the A161 to the east, 8 Westgate Road to the west and a field to the north screened by mature trees and high growing vegetation. It currently has permission to increase the height of the existing single-storey detached dwelling to form a two-storey dwelling.

This proposal seeks permission for a change of use of the existing garage to a restaurant or café. The proposed other works relate to internal alterations, which would be limited to forming a new accessible/unisex WC and infrastructure works associated with the disposal of wastewater. Other alterations to facilitate a change of use from a garage/outbuilding to a café include the installation of new windows to the principal (east) elevation and an air conditioning system and a cooking extract vent.

The café area would accommodate 25 seats and contain a counter or servery area. There would be a new accessible unisex toilet, commercial kitchen provision for separate food preparation, cooking and service/washing and a storage area separate from the kitchen area. Parking was originally to be provided for three vehicles (including one accessible parking space), however the amended plans detail five existing spaces are to be retained (unmarked in front of the bungalow) in addition to the three additional spaces.

The main issues to be considered in the determination of this application are:

- the principle of the development;
- whether the change of use of the existing garage to a restaurant or café would harm the character and appearance of the dwelling;
- whether the loss of the garage would negatively impact existing domestic parking spaces;

- whether the change of use of the existing garage to a restaurant or café would raise issues of traffic safety;
- whether the change of use of the existing garage to a restaurant or café would harm the street scene; and
- whether a change of use of the existing garage to a restaurant or café would impact the amenities of adjacent properties.

The principle of the 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy RD2 of the North Lincolnshire Local Plan (Development in the Open Countryside) requires development in the open countryside to be strictly controlled. This policy sets out the council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It promotes the positive benefits of rural diversification by ensuring the long-term social and economic vitality of rural areas. It states that planning permission will only be granted for certain types of development, including the re-use and adaptation of existing rural buildings, provided that the development would not be detrimental to the character or appearance of the open countryside, or a nearby settlement, in terms of siting, scale, massing, design and use of materials, and the development would not be detrimental to a residential amenity or highway safety.

Policy DS4 (Changes of Use in Residential Areas) of the local plan states that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area or residential amenity by 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 purpose of this policy is 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.

Policy S9 (Restaurants and Hot Food Takeaway Establishments) states that proposals for restaurant and hot food takeaway establishments will be permitted in town, district and local centres subject to the following criteria:

- (a) the premises are not located where individually or cumulatively they would harm the occupiers of nearby residential properties because of noise and disturbance, litter or on-street parking;

- (b) the development must not create a road safety hazard or create traffic congestion, due to it being located on a bend, junction, hill or any other restriction on the public highway;
- (c) suitable off or on-street parking is available on or near the premises to avoid detriment to road safety or residential amenity;
- (d) a suitable fume extraction system and refuse storage area is installed to ensure that the amenity of nearby residents is protected from the emission of smells and fumes;
- (e) when planning permission is granted for restaurants and hot food takeaway establishments, the council will consider whether it is desirable to impose conditions, including limiting the hours that the premises may remain open, to avoid possible loss of amenity to nearby residents resulting from noise and disturbance.

In this case, while the site is outside the development boundary, it is located at the edge of the settlement boundary, which is a residential area and not visually detached from the town. It is also worth noting that there is no defined town centre and there is a fish and chip takeaway nearby.

The planning authority believes that while policy S9 is limited to town, district and local centres a case can be made for this proposal given the unique position of the site. Regarding sustainability, the North Lincolnshire Local Plan primarily seeks to ensure that development provides jobs; improves shopping, leisure, transport and education facilities; increases economic prosperity; and provides for the needs of all residents whilst at the same time protecting and improving the natural and built environment. On balance, the proposal would provide a useful service to shoppers and local residents and improve the quality of life by providing jobs, which would contribute to the economy of the village and make the village a better place for all residents.

In general, the principle of development is acceptable.

Layout, siting and design

Policy CS5 (Delivering Quality Design in North Lincolnshire) of the Core Strategy sets out the key design principles for all new development 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 of the local plan states that a high standard of design is expected 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 and utilities and services.

Concerning the quality of design, the site is an existing domestic garage, and the proposal would be limited to internal and minor external changes. Furthermore, the development would not increase the footprint of the existing garage. Consequently, the quality of the design of the existing garage would not significantly be altered and would therefore not significantly affect the appearance and character of the residential property or the area.

Impact on neighbouring residential amenity

In terms of impact on neighbouring residential amenities, Policy DS11 (Polluting Activities) states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas. This policy is designed to control pollution and to limit and reduce nuisances such as noise, smells and dirt.

Criteria d) of Policy S9 is also relevant and states “a suitable fume extraction system and refuse storage area is installed to ensure that the amenity of nearby residents is protected from the emission of smells and fumes...” In this case, the main concerns relate to smoke, fumes, smell and noise. Having considered smoke, fumes and smell, the applicant has shown extraction vents would be fitted. While details have not been provided, it is likely an extraction filter hood would be installed to filter cooking fumes before releasing them through a vent in an outside wall. It is believed this would be an effective form of filtration that would remove grease, odours and excess moisture from the air in the cooking environment. It is worth noting that no concerns have been raised by Environmental Protection in this regard. In terms of noise, the building has enclosures that would reduce the amount of noise emitted. Furthermore, the proposal would have a minimal detrimental impact on the amenity of neighbouring property by the noise/disturbance that could potentially be created by customers, particularly vehicles, arriving at the site.

There would be a suitable refuse storage area to ensure the amenity of nearby residents is protected from the emission of smells and fumes.

Overall, the Environmental Protection team has no objection to the proposal but has indicated that the change of use to Use Class A3 (restaurants and cafés) [replaced by Class E (Commercial, business and service) in the amended Use Classes Order, September 2020] has the potential to introduce new noise sources to the area such as the coming and going of patrons, and noise from plant and extraction. With this in mind, the department has recommended the inclusion of conditions to minimise any potential noise impact if planning permission is granted. From the above, it is concluded that the proposal would not lead to a significant noise nuisance to the detriment of the amenities of neighbouring properties.

Highways

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision. Policy S9 criteria b) states “the development must not create a road safety hazard or create traffic congestion, due to it being located on a bend, junction, hill or any other restriction on the public highway”; and c) suitable off or on-street parking is available on or near the premises to avoid detriment to road safety or residential amenity...”

Concerning car parking space, a revised plan and amended planning statement have been submitted. The plan shows eight car parking spaces (resident and customer parking). Highways have reviewed the amended plan including the parking spaces and have no further comments to make; however, all previous comments do still apply (i.e. that the

proposed new unit shall not be brought into use until the parking spaces serving it have been completed in accordance with the approved details and once completed the parking spaces shall be retained). A condition would be applied to any permission requiring the same.

Accordingly, the change of use of the garage/outbuilding to Class A3 (restaurants and cafés) [now Class E (Commercial, business and service)] and associated works would comply with policies T2, T19 and S9.

Flood zone

The application site is within SFRA Flood Zone 1, which has a low probability of flooding. Also, the garage is existing and has a drainage infrastructure for surface water. The Drainage team has no objections or comments to the proposed development. Accordingly, it is unlikely that the proposed change of use of the existing garage to a restaurant or café would raise an issue of surface water flooding that would warrant refusal of the proposal.

Public comments

In response to comments received from the public with regard to concerns about the property boundary, the planning authority does not engage in property boundary litigation. It is also important to note that the applicant has signed the self-certification certificate of ownership (Certificate A). With regard to parking spaces, pedestrian safety and traffic, Highways has not raised any issues and it is therefore judged that the proposal is acceptable in this regard. Further clarification is at the Highways section of this report. Concerns about drainage and flooding have been addressed in the flood zone section of this report, and concerns about noise under the section on impact on neighbouring residential amenities.

Conclusion

In conclusion, the principle of the change of use of the existing garage to a restaurant or café is acceptable and given there would not be significant alterations to the exterior of the building, it would not have any negative impact on the character of the dwelling or the character of the area.

It is also judged that the proposed change of use of the existing garage to a restaurant or café would not result in a significant adverse impact on neighbouring amenities in terms of noise nuisance, considering the conditions recommended relating to opening times.

It is believed that this proposal would provide a job and a welcoming environment for residents to meet for teas and coffees during the day. Satisfactory parking provision and vehicular access can be afforded off Westgate Road and the proposal would not be detrimental to highway safety. The proposal would therefore comply with the NPPF.

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: Dwg. No. 114-A4-01 B, Dwg. No. 114-A3-03 B, Dwg. No. 114-A2-05 P02, Dwg. No. 114-A2-04 P02, Dwg. No. 114-A3-04 B, and Dwg. No. 114-A3-02 B.

Reason

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

3.

The hours of operation of the restaurant or café shall be restricted to:

- 10am to 6pm Monday to Friday; and

- 10am to 4pm on Saturdays, Sundays and bank/public holidays.

Reason

To minimise the potential of noise nuisance and prevent loss of amenity to nearby residential properties in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

4.

No plant for extraction or filtration shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include a scheme for the extraction and filtration of cooking odours and should identify the final discharge point of cooking odours from the extraction and filtration system. The details shall also include an assessment of the likely noise impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plants shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To minimise the potential for noise nuisance and prevent loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

The proposed restaurant/café shall not be brought into use until the parking spaces serving it has been completed in accordance with the approved details and once completed the parking spaces shall be retained.

Reason

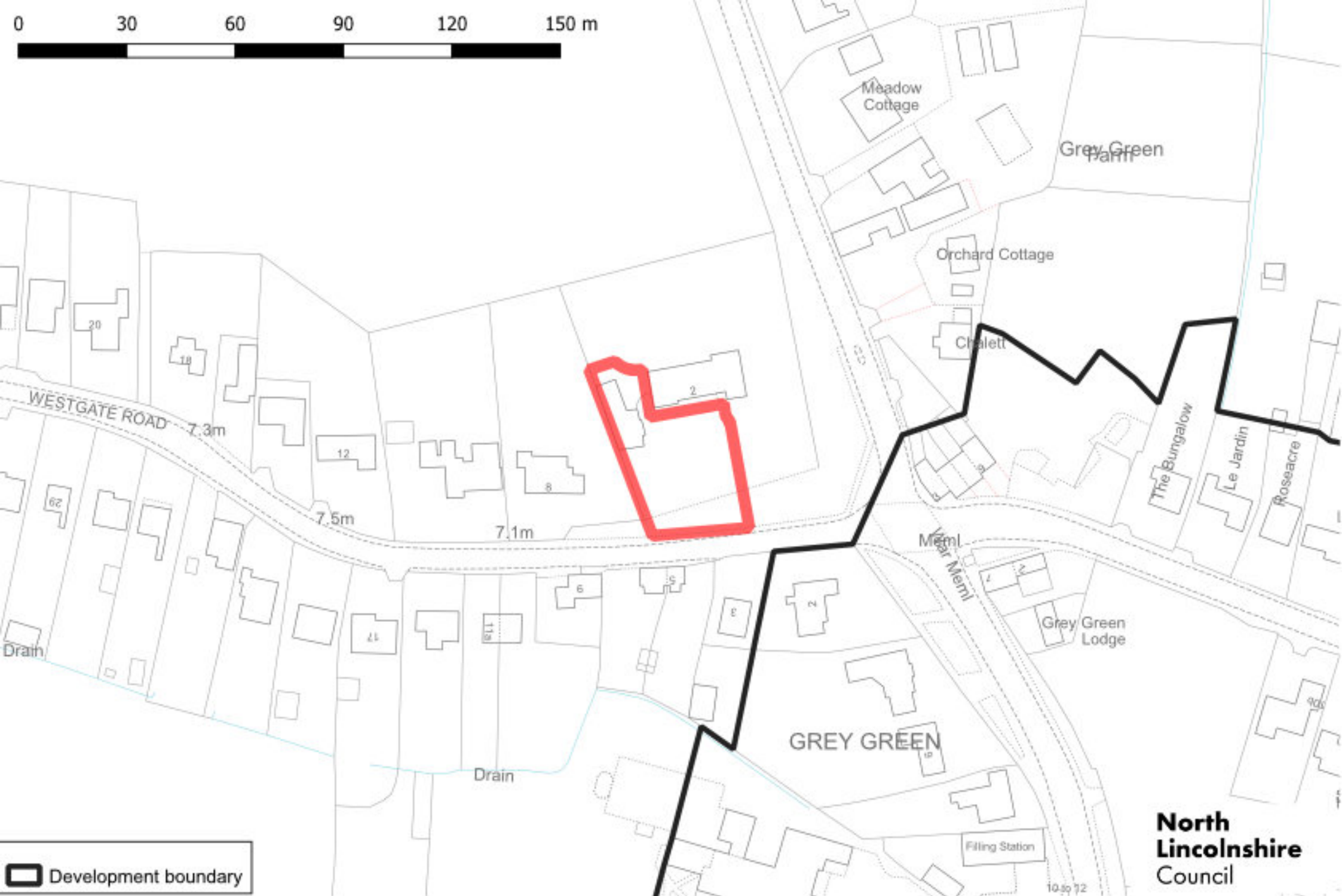
In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

Informative 1

The applicant is advised that the line of trees along the frontage of the site are council-owned highway trees and as such need to be retained. The applicant must not undertake any works to compromise these trees as they are not within their ownership.

Informative 2

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.



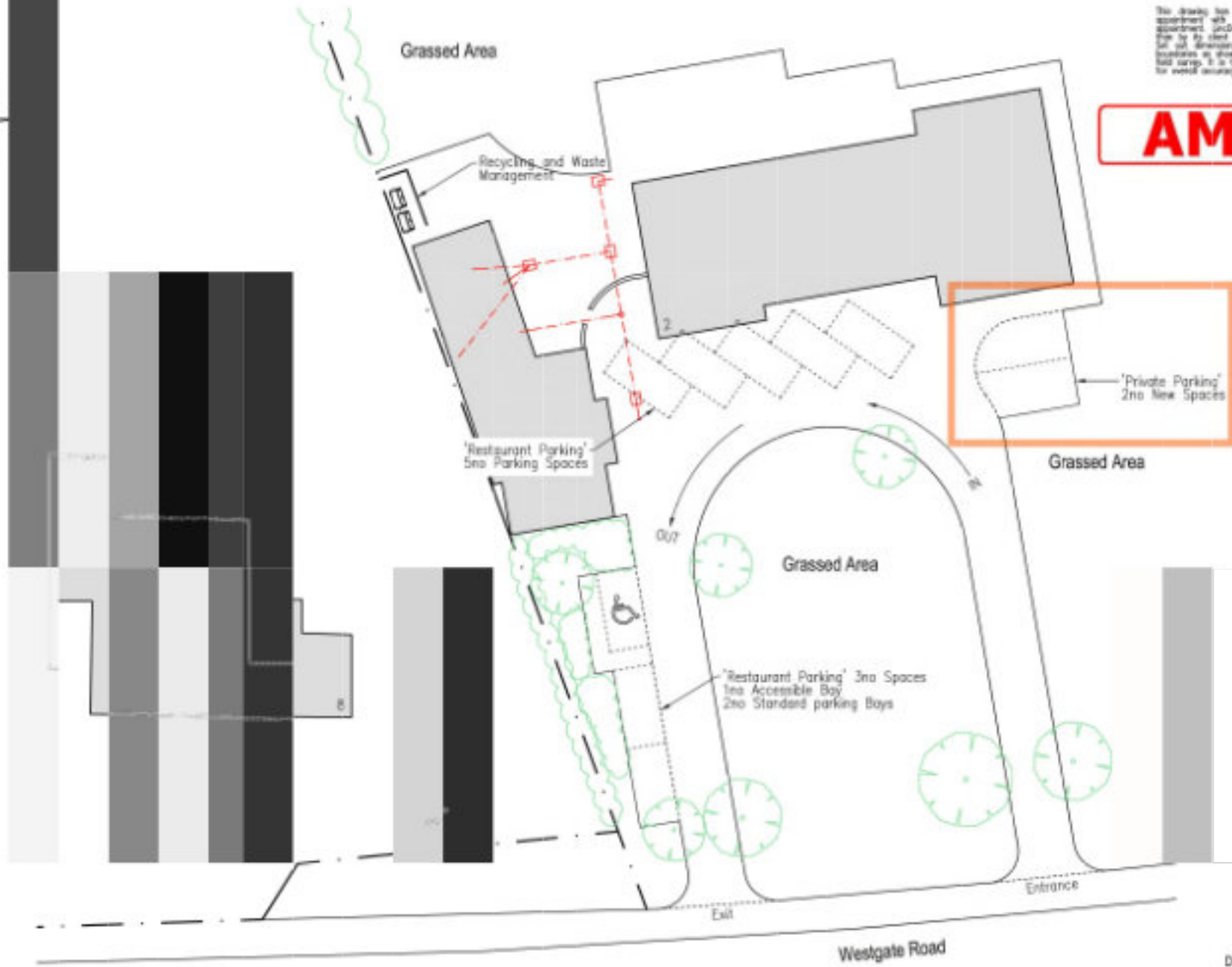
PA/2021/1033

North
Lincolnshire
Council



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AMENDED



Change of use of Existing Outbuildings to A3 (Restaurants and Cafes)
Including Car Parking at 2 Westgate Road, Belton.

Proposed Site Plan

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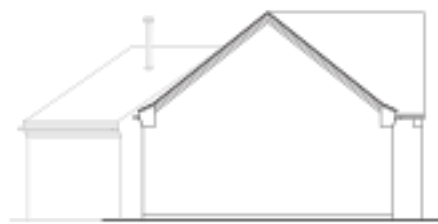
- D 2 no-Private parking spaces identified L.R. 28.10.21
- C 5 no-Car parking spaces identified L.R. 10.06.21
- B Revised & Resubmitted for Planning Approval L.R. 01.07.21
- A Issued for Planning Approval L.R. 28.05.21

Scale	Date	Status
1:200 @ A3	28.05.21	Approval
114-A3-04		D

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PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION
(As Existing)



PROPOSED EAST ELEVATION
(As Existing)



PROPOSED SOUTH ELEVATION
(As Existing)



PROPOSED FLOOR PLAN

Room Layouts are Indicative Only
Client to confirm location of appliances

Rev	Description	By	Date
P02	Revised & Resubmitted for Planning Approval	LR	01.07.21
P01	Issued for Planning Approval	LR	28.05.21

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client		
Mr J Gates Smith 2 Westgate Road, Belton.		
drawing title		
Change of use of Existing Outbuildings to A3 (Restaurants and Cafes) including Car Parking at 2 Westgate Road, Belton.		
Proposed Elevations & Floor Plan		
drawn by	date	scale
LR	21.05.21	1:100 @ A2
status	check	
Approval	app'd	
drawing number	ref/rev	
114-A2-05	P02	