

APPLICATION NO PA/2024/1043

APPLICANT Ms Michelle Martin

DEVELOPMENT Planning permission for the change of use from a takeaway to an aesthetic business

LOCATION: 20 High Street, Messingham, SCUNTHORPE, DN17 3RS

CASE OFFICER Deborah Oikeh

POLICIES

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 12: Achieving well designed and beautiful places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

North Lincolnshire Local Plan

DS1 – General Requirements

DS7 – Contaminated Land

DS11- Polluting Activities

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

T2 – Access to Development

T19 – Car Parking Provision and Standards

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

CS17 – Biodiversity

CS19 – Flood Risk

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

PARISH COUNCIL: No objection

Highways: No objection, an informative comment provided

Drainage Team: The LLFA Drainage Team has no objections or comments to the proposed development.

Environmental Health: recommends planning condition

PUBLICITY

A site notice has been displayed. No letter of comment received

ASSESSMENT

Planning History

PA/2006/0444: Planning permission to erect a single storey extension and install external staircase and access over extension to give access to first floor: approved 28 Apr 2006

7/1980/0698: Construct extensions to provide extended kitchen and storage facilities at ground floor level and to form two two - bedroomed flats at first floor level: decision made 31 July 1980

Proposal and site Characteristics

This proposal seeks planning permission for the change of use of the shop- 20 High Street Messingham to an aesthetic business. The application site is one of a row of terraced buildings along the High Street in Messingham. The area is characterised by mixed development comprising businesses and residential properties. The latest planning history in 2006 and floor plan shows the use of the shop as a pantry with a kitchen and other spaces within it. The use of the shop since 2006 is not clear. However, the applicant in the application form submits that the existing use of the shop is for takeaway shop. The space to be converted is the ground floor area set next to other businesses along the road. No material changes are proposed to the elevations of the property. The property is within the development limit of the settlement.

Main considerations

- The principle of the development
- Impact upon residential amenity
- Impact upon character and appearance
- Impact upon access and highway safety

- Flood risk and drainage
- Ecology and BNG

The principle of the development

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016).

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities. Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 prioritises "...Previously developed land and buildings within the Scunthorpe urban area and Market Towns, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions". Policies CS3 and CS2 aim to set development limits to Scunthorpe Urban areas, Market Towns and Rural Settlements.

Policy CS5 requires that 'all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

The change of use of the shop from hot food takeaway to an aesthetics will not result into a greater impact in terms of noise, odour and nuisance. The property will remain in business use surrounded by other shops on the ground floor. The location is within the development limit of the settlement. The proposal would ensure the continued use of the space for business contributing to the economic vibrancy of the area. The proposal is therefore considered acceptable in principle.

Impact on residential amenity

In terms of amenity, policy DS1 states 'proposal should not result into loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust, or other nuisance, or through the effects of overlooking or overshadowing.

Policy DS4 relates to change of use in residential areas. The policy requires that changes of use in residential areas should not adversely affect the residential amenity of the area by virtue of noise, odour emissions, or other environmental conditions.

Policy DS11 is also relevant in that it 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.'

There would be no major alteration to the appearance of the building to be used for the aesthetic business. The building is located in an existing mixed-use development setting. The proposed change of use of the space will not create adverse residential impact in terms of overlooking, overshadowing and overbearing being on the ground floor with windows overlooking the front.

In terms of noise and pollution, it is considered that the impact of this new use will not be above and beyond the existing use. Nevertheless, planning condition to restrict the hours of operation is recommended by the environmental protection department to protect the residential amenity of the surrounding dwellings. The hours of operation shall be between Mon to Saturday 08:00am to 6:00pm. The applicant has agreed to the condition regarding operating hours. Subject to compliance with the condition, the proposal is considered acceptable in accordance with policies DS1, DS4 and DS11 of the North Lincolnshire Local Plan.

Impact on the character and appearance of the street scene

According to policies DS1 and DS4, the design and appearance of a proposal should not be detrimental to the character or appearance of the immediate area.

Policy CS5 requires that 'all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

The visual impact of the proposed conversion is very minimal given the very limited external alteration to be done. The existing building is brick-built with a sympathetic front elevation design. The new aesthetic business and appearance will sit nicely within the row of shops along the road. Consequently, the proposal is in accordance with Core Strategy policy CS5 and local policies DS1 and DS4 of the North Lincolnshire Local Plan.

Impact upon the highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and is succinct with the spatial strategy of the Core Strategy. Policy T2 is concerned with access to development, and it states that all proposals should be provided with a satisfactory access. The council's car parking provision and standards in summary requires that developments which result in additional parking needs shall incorporate proposals to fully meet that demand.

The site is set along the High Street in Messingham and accessible to pedestrians and drivers. There are few parking spaces at the front of the shops as such the impact of the proposed change of use will not be greater than the existing. The Highways team following consultation raised no concerns given the parking facility on the site however, an informative comment is recommended. Given the above assessment, it is considered that the proposal accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The application site is set within flood zone 1 and so considered a suitable location in flood risk terms. In terms of drainage, no concerns have been raised by the drainage team of the council given the nature of the proposal. The development is therefore considered to accord with policy DS14 of the North Lincolnshire Local Plan.

Landscaping and Biodiversity Net Gain

Policy CS17 relates to biodiversity. This policy is primarily about conserving and enhancing North Lincolnshire's wildlife and supporting a richness of biodiversity that will underpin the creation of sustainable neighbourhoods and green tourism.

The proposal offers little in terms of biodiversity and landscaping being a change of use from from a convenience store to a hot food takeaway shop. The application form states that the proposal is below the threshold for BNG due to the area size (less than 25m² loss) and therefore exempt. Accordingly, the proposal is considered to be in accordance with policies CS17 of the Core Strategy.

Conclusion

This proposal seeks to change the use of the building from a takeaway shop to an aesthetic business within the development limit. The proposal would not adversely impact the residential amenity of surrounding neighbours. Planning condition to restrict the operating hours of the business is proposed and would be imposed on any permission the LPA is minded granting. The proposal is therefore recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions.