



Appeal Decision

Site visit made on 18 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/Y2003/W/22/3299081

2 Westgate Road, Westgate, Belton DN9 1QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Oates Smith against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1033, dated 28 May 2021, was refused by notice dated 18 November 2021.
 - The development proposed is described as: 'change of use to Class A3 (Restaurant/Café) of garage/outbuilding at 2 Westgate Road, Westgate, Belton including new glazed facade and minor internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on highway safety with particular regard to parking provision; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

Highway Safety

3. The appeal site is a large detached garage building located adjacent to the side boundary of 2 Westgate Road, a detached dwelling. The site lies within Belton, a rural settlement for the purposes of the North Lincolnshire Core Strategy (2011). The dwelling is set back behind a large front garden and accessed via a pair of driveways from Westgate Road. The A161 runs adjacent to the side boundary of the appeal site with a roundabout at the junction with Westgate Road.
4. Westgate Road in the vicinity of the appeal site is narrow. Some of the dwellings opposite the appeal site front the pavement. Footways are also narrow and bollards have been installed to the edge of the pavement here. The road is reasonably busy and serves as a main route through Belton, a rural settlement¹. Vehicle speeds are reasonably slow due to the position of the roundabout, only a short distance from the site access. Nonetheless vehicles

¹ As defined in the North Lincolnshire Core Strategy (2011).

exiting the roundabout onto Westgate Road are gaining speed. Most residential properties have parking within their curtilage and I saw that on street parking was uncommon around the appeal site.

5. It is proposed to convert the garage into a restaurant/café accommodating 25 covers. The proposed use would provide lunches and afternoon teas as well as hosting functions and themed occasions. It is proposed to operate primarily between 1000 and 1800 through the week and 1000 and 1600 at weekends, although themed occasions may require extended opening times. The proposed layout plan shows the provision of eight customer parking spaces, of which one would be for disabled use. Two additional spaces would be provided to serve the existing dwelling whilst the existing access arrangements onto Westgate Road would remain broadly the same.
6. The appellant has referred to Saved Policy T19 of the North Lincolnshire Local Plan (2003) (the NLLP) which references the *Parking Provision Guidelines* in Appendix 2 of the NLLP. This states that restaurants and cafés should provide one space per three seats. This would create a parking requirement for the appeal site of 8 spaces. However, these guidelines are clearly of some age and pre-date the parking guidance within Manual for Streets (2007).
7. Nevertheless, both parties have also provided me with copies of more recent guidance: *Parking Provision Guidelines for New and Change of Use Developments* (2009). This references Manual for Streets and states that restaurants and cafés should provide one parking space per five square metres of floor space. This would lead to a parking requirement of twelve spaces². In addition, such developments are required to provide staff parking at the rate of one space per four members of staff. The proposed eight spaces would therefore represent a significant shortfall having regard to the more recent guidelines.
8. Nonetheless I am mindful that this is only guidance and that the guidelines allow for reduced requirements for parking in locations which have good access and alternative means of travel to the private car. Whilst the appeal site is located in a residential area, this is primarily ribbon development to either side of the road. This limits the number of dwellings within reasonable walking distance. As such, given the rural location, and, in the absence of any evidence to the contrary, I am of the view that the majority of customers are likely to travel by private car, including those attending functions or themed occasions which, owing to their nature, are likely to attract those from farther afield.
9. Whilst there is a bus stop within walking distance, I am not provided with details of the frequency of the services that run from here. Moreover, given the rural location, its presence is not convincing evidence that most visitors will not access the facility via their private cars. In my view, having regard to the accessibility of the location, there does not appear to be justification for reduced parking requirements in these circumstances.
10. Taking into account the scale of the enterprise, and that most customers are likely to travel by car, there will be occasions when the proposed eight parking spaces are at full capacity. This is particularly likely when there is a private function or at particularly busy times such as mealtimes or weekends. In such circumstances, customers are likely to seek to park on the road close to the

² Based on a floor area of 60 square metres calculated by the Council and not disputed by the appellant.

appeal site. Having regard to the narrowness of the road, on street parking in the vicinity of the appeal site is likely to create an obstruction and impede the free flow of traffic, at a point close to a roundabout, adversely affecting highway safety.

11. Furthermore, given the narrowness of the road, drivers parking outside the appeal site are likely to seek to mount the kerb, adding to the danger to pedestrians by limiting the size of the footway. Indeed, the presence of bollards on the pavement opposite the appeal site suggests that vehicles mounting the pavement has been a problem here.
12. Overall, based on the evidence before me, the proposal would represent a significant shortfall in parking provision which would likely lead to on street parking in the vicinity of the appeal site, to the detriment of safety of road users. Whilst the appellant states that such concerns could be addressed through the painting of double yellow lines on the road outside the appeal site, I am not provided with details of the extent of this, nor can I be certain whether it would be carried out. Furthermore, given the shortfall in parking provision, this would only likely lead to a demand for on street parking elsewhere along the nearby roads which could lead to similar impacts here.
13. I therefore conclude that the proposal would have an unacceptable effect on highway safety through a lack of parking provision and would therefore conflict with Policy S9 of the NLLP which seeks to ensure suitable off or on-street parking is available on or near proposed restaurant premises and that their location would not adversely affect highway safety. Conflict would also occur with the guidance contained within the *Parking Provision Guidelines for New and Change of Use Developments* (2009), described above.
14. There would also be a degree of conflict with Policy T19 of the NLLP which, amongst other things, sets out that provision will be made for car parking where it would meet the operational needs of businesses. The proposal would also conflict with paragraph 112 of the National Planning Policy Framework which, amongst other things, seeks to ensure applications for development create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Living Conditions

15. The appeal site is located adjacent to the boundary with 8 Westgate Road, a detached dwelling. Owing to its location, occupants of that property are likely to experience road noise and noise from vehicles manoeuvring within the appeal site. There is nothing before me to indicate the existing levels of comings and goings arising from No 2 would be greater than the levels that would be expected in a residential area such as this.
16. However, the change of use to a restaurant/café accommodating 25 covers would generate a level of activity significantly above existing residential levels across seven days a week. This would increase the noise levels at No 2, particularly from customers arriving and leaving and the significant daily increase in vehicles manoeuvring within the appeal site. This is likely to be audible from the rear garden of No 2 which is close by. The noise and activity arising from the change of use would likely significantly exceed existing levels. This would result in an increase in disturbance to the occupiers of No 2 and, to a lesser extent, the occupiers of other neighbouring properties. Such

disturbance would be unlikely to be adequately mitigated by existing boundary treatments.

17. I accept that smells and noise from cooking could be controlled through conditions, and that the Council's Environmental Health officer has not raised an objection to the proposal. However, in my view, it is the significant increase in comings and goings and the activity generated around the property for seven days a week that would cause undue disturbance.

Other Matters

18. I accept that there would be benefits to the appeal proposal in terms of providing a facility for local residents. There would also be minor benefits to local employment levels by providing two jobs and in terms of supporting other businesses. However, these public benefits would not outweigh the harm that would occur to highway safety and living conditions described above.

Conclusion

19. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR