

**BOSTON BOROUGH COUNCIL**

**Planning Committee - Weekly Planning List**

Reference No: B/25/0406

Expiry Date: 09-Dec-2025

Extension of Time: 09-Jan-2026

Application Type: Full Planning Permission

Proposal: Change of use of existing garage and adjoining lean-to from residential to commercial use as vehicle service and repair workshop

Site: 117, Woodville Road, Boston, Lincolnshire, PE21 8BT

Applicant: Dr Charlotte Lenton

Agent:

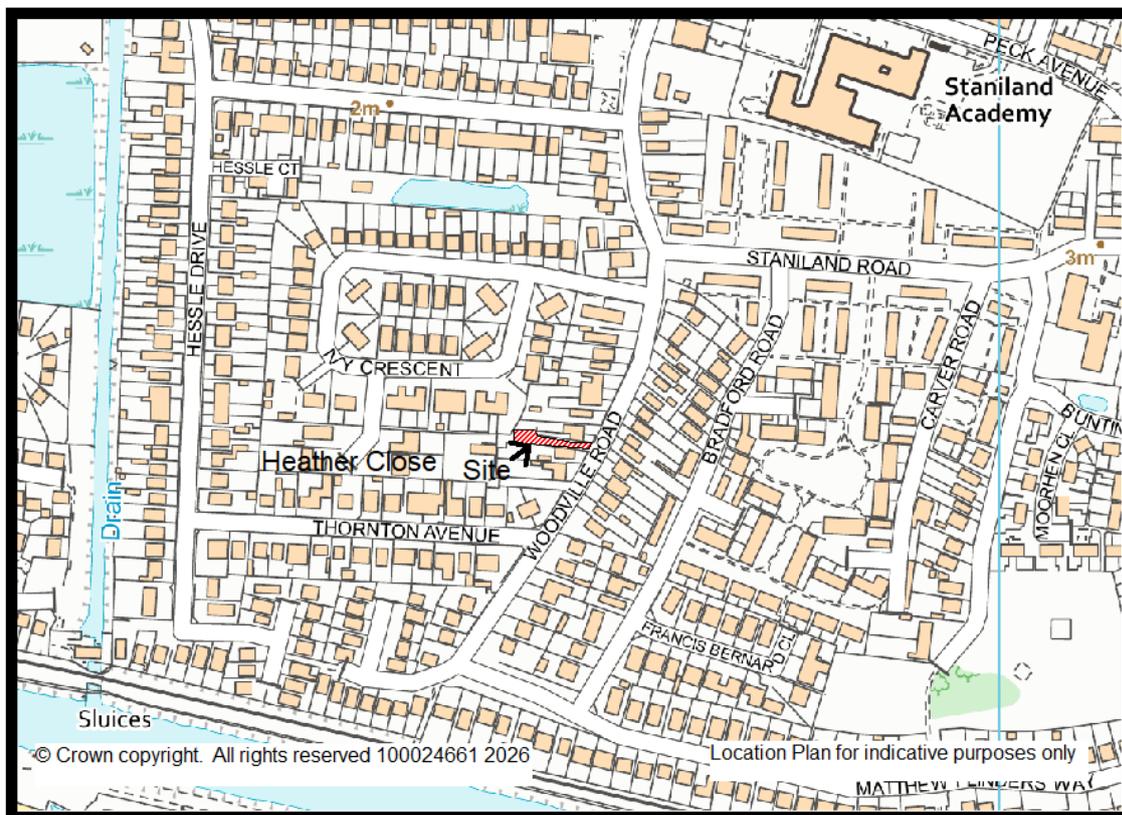
Ward: Staniland

Parish: Boston Town Area Committee

Case Officer: Emma Turvey

Third Party Reps: 3

**Recommendation: Refuse**



## **1.0 Reason for Report**

1.1 This application has been referred to committee by Councillor Gilbert.

## **2.0 Application Site and Proposal**

2.1 This proposal seeks to change the use of the existing garage from residential to commercial use, to be used as a vehicle service and repair workshop.

2.2 The application site consists of a semi-detached dwelling located on the western side of Woodville Road. The site includes a private driveway, grassed area to the front of the dwelling and to the rear is an area of hardstanding currently used as parking, detached outbuilding and a section of grass. The site is situated within a predominantly residential area and is entirely surrounded by housing.

2.3 The application to change the use of the existing garage to a commercial business in which the main section of the garage will be used to carry out light mechanical repairs, diagnostics and part replacements. The adjoining lean-to will be used for the temporary storage of waste materials such as oil and metal, which will be disposed of via licenced waste carriers. No physical or structural changes are proposed as part of this planning application.

2.4 The proposed working hours are 08:00-18:00 Monday to Friday, 09:00-15:00 on Saturday's and no work to be carried out on Sundays or bank holidays. The applicant has confirmed that there will be no more than two vehicles present at the premises at one time.

## **3.0 Relevant History**

3.1 B/21/0123: Single storey rear extension, new porch and canopy over front door and bay window to front elevation – Approved.

## **4.0 Relevant Policy**

### **South East Lincolnshire Local Plan**

4.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio;
- Policy 30: Pollution: and
- Policy 36: Vehicle and Cycle Parking

## National Planning Policy Framework

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment.

### 5.0 Representations

5.1 As a result of the publicity carried out, three letters of support have been received from adjacent neighbouring dwellings raising the following points:

- Never had any issues with noise from the site when the applicant has worked on own vehicle;
- The site is capable of accommodating plenty of vehicles without on-street parking.
- Will not affect the quiet character of the street.
- In support of people working from home.
- Applicant is taking steps mitigate against any negative impact it may have.
- Will be a positive asset to the community.
- Will not affect the neighbourhood.
- Will be a smaller scale than the haulage business that ran from there many years ago.

### 6.0 Consultations

6.1 BBC Environmental Health have objected to the proposal and commented: *The location of the proposed vehicle repair workshop is in the rear garden of a residential property in a wholly residential area. Whilst clearly the applicant has considered issues such as noise and odour in their supporting statement, there is nonetheless a significant risk to the amenity of neighbours. These types of activities should be carried out in commercial areas for this reason. Whilst conditions may be imposed at planning to try and reduce the impact of the activity, I do not believe they can sufficiently overcome issues created by the activity's location in a residential area. The reality is such that residential impacts will remain. In addition, the monitoring and enforcement of conditions will likely be difficult. Environmental Health therefore cannot support this application. The applicant submitted additional supporting information to provide context and to overcome the concerns raised by Environmental Health. The additional information reaffirmed the small-scale nature of the proposed use and set out the noise mitigation measures to be applied. The information also mentioned the previous use of the site and the three letters of support from the neighbouring dwellings. A Freedom of Information request was also included which included a table of noise/odour complaints for five other vehicle repair uses. Environmental Health was reconsulted on this additional information and they confirmed that they do not believe this is the correct location for a commercial workshop which risks neighbouring amenity.*

6.2 Lincolnshire County Council (Local Highway and Lead Local Flood Authority) initially requested further information on how the proposed booking system would be operated as they expressed concerns regarding the number of vehicles at the site at any one time given the residential vehicle access is unable to accommodate two-way

vehicular movements. The applicant submitted a supporting statement clarifying the issue and LCC concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

## **7.0 Planning Issues and Discussions**

7.1 The key planning issues in the determination of this application are:

- Principle of development
- Design of the proposal and impact upon the character and appearance of the area
- Impact upon residential amenity
- Flood risk and drainage
- Highway safety and parking

### **Principle of development**

7.2 The South East Lincolnshire Local Plan (SELLP) was adopted in 2019. The application site lies within the settlement of Boston where Policy 1 indicates development will be permitted that supports their roles as Sub Regional Centres, Policy 7 is more relevant and directs new businesses to the existing employment sites and states: *“New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:*

*a. the development does not conflict with neighbouring land uses;”*

7.3 The applicant has stated that the site was historically used as a base for a small haulage business, although this use has not been in place for many years.

7.4 While the historical use of this site is noted, the South East Lincolnshire Local Plan (SELLP) was adopted in 2019 which restricts the creation of new businesses if it conflicts with neighbouring land uses. In this instance, the introduction of a car servicing business within a built up residential locality, would be considered to conflict with neighbouring land uses due to noise and odour emissions – which are addressed in further detail below. This view is also supported by the Council’s Environmental Health Department which objects to the proposal on the basis of adverse impacts that are likely to arise and affect neighbouring dwellings. Therefore, it is considered that the introduction of a commercial business within a residential location would result a significantly adverse impact upon the current and future occupiers of the neighbouring land users. As such, the proposed development would fail to accord with the requirements of Policies 1 and 7 of the SELLP, and thus the principle of the development is not considered to be acceptable in this location.

## **Design of the proposal and impact upon the character and appearance of the area**

- 7.5 Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area. However, sub criterion 6 requires that all development proposals do not adversely impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.
- 7.6 Furthermore, within Policy 3 of the SELLP seeks to ensure that development proposals create distinctive places where, in part, design that is inappropriate of which fails to improve the character and quality of an area is not supported. In particular consideration of the current proposal, sub criterion 11, seeks to ensure that all new development proposals do not adversely impact upon neighbouring residential amenity. The supporting text to Policy 3 confirms that the use of sites needs to reflect neighbouring amenity
- 7.7 The proposed development consists of creating a commercial business from a domestic garage but does not include any physical changes to the existing building in terms of alterations or extensions. Therefore, in terms of visual impact, it is considered that the proposed development will not result in any adverse impacts upon the character or appearance of the area.
- 7.8 However, the character of an area extends beyond its visual or physical attributes, it is also defined by how the space is perceived and experienced by its occupants. The surrounding area is characterised by being a largely quiet edge of town residential development. The introduction of an incongruous use type to the area such as a more industrial use, would erode this local character, generating noise and other emissions that are incompatible with the existing residential amenity.
- 7.9 While the proposed development may not result in significant visual impact, it is considered that the resulting change to the local character would constitute an overall harm, thereby conflicting with Policy 2 of the South East Lincolnshire Local Plan (SELLP).

## **Impact upon residential amenity**

- 7.10 Policies 2 (criterion 6), 3 (criterion 11) and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion. This position is supported by Paragraph 198 of the National Planning Policy Framework (NPPF) which confirms that planning decisions should ensure that development is appropriate for its location, and takes account of living conditions by, '*...avoid noise giving rise to significant adverse impacts upon health and the quality of life.*'
- 7.11 Additionally, within the SELLP, Policy 7 requires that all new development proposals for new employment development or businesses will only be supported where the

development does not conflict with neighbouring land uses and there is no adverse impact upon the character of the area.

- 7.12 The proposed development would introduce a commercial and light industrial use in a wholly residential location. There are three dwellings located in close proximity of the site, No's 115 and 119 Woodville Road and 93 Ivy Crescent.
- 7.13 To provide context, all three dwellings share a boundary with the application site, No.119 is a single storey dwelling located to the south of the site with the driveway belonging to the application site in between the two dwellings. There is approximately 23m separation distance between the rear elevation of No.119 and the garage building of No.117. No.115 is attached to the northern elevation of the application site with approximately 25m separation distance between the rear elevation and the garage. No.93 Ivy Crescent is located to the north-west of the garage with approximately 11m separation distance between the rear elevation and the side elevation of the garage. While the application site includes existing boundary treatments separating the site from the neighbouring dwellings, they have not been designed for acoustic attenuation and are insufficient to provide mitigation against the noise emissions generated by the proposed use of the garage.
- 7.14 The proposed commercial use includes mechanical repairs, diagnostics and vehicle part replacements and although the information received with the application states the business will be small-scale, the likelihood of harmful noise and other disturbances is considered unacceptably high in a residential neighbourhood, which is more sensitive to the type, pitch and nature of noise that would be generated from a vehicle service and repair workshop. As mentioned previously the SELLP directs these types of commercial businesses to allocated sites if they conflict with neighbouring land uses, which in the opinion of officers and the Environmental Health Department would be the case in this instance.
- 7.15 While it is noted that three letters of support have been received, the residential amenity of future occupants of the neighbouring dwellings carries weight in this regard. As such, although no objections to the proposal have been received, it is still the duty and responsibility of the Local Planning Authority to ensure appropriate protection is offered to all neighbouring residential dwellings, in perpetuity. In this regard, the three letters of objection does not allay officer's concerns for the wider impacts upon the amenity of neighbouring properties arising from the proposal.
- 7.16 Environmental Health have inherently objected to the proposed development due to the significant risk to the amenity of the neighbouring dwellings and stated that any restrictive conditions will be difficult to enforce and monitor. Furthermore, additional information supplied by the applicant to overcome these concerns has not been successful.
- 7.17 It is concluded that by reason of its location with a residential area and the close proximity of the neighbouring dwellings, but specifically due to the nature of the business and operations proposed, the change of use would cause unacceptable harm to the residential amenities and the quality of life of the occupants of the neighbouring dwellings. Furthermore, it is considered that the benefits of the scheme would be

solely to the applicant, which would not outweigh the wider public harm that would likely arise when weighed in the planning balance. The proposal therefore fails to accord with the requirements of policies 2 (6), 3 (11) and 7 (a) of the Local Plan, and Paragraph 198 of the NPPF. This matter weighs negatively and is afforded significant weight in the planning balance.

### **Flood risk and drainage**

- 7.18 Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk and does not increase flood risk elsewhere. The proposed development is located in Flood Zone 3 and has a hazard rating of 'Danger to All'. The proposal is for a change of use, and sequential test is therefore not required.
- 7.19 A Flood Risk Assessment has been submitted which states:
- All existing drainage arrangement will remain unchanged.
  - Surface water termination will not increase flood risk elsewhere or affect neighbouring properties.
  - Storm water will be captured and discharged into existing rainwater pipes.
  - No material alterations or extensions are proposed.
- 7.20 Due to the nature of the proposed development, it is not considered that it would result in an increased risk of flooding and therefore meets the requirements of Policy 4. This matter weighs neutrally in the planning balance.

### **Highway safety and parking**

- 7.21 SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.
- 7.22 Policy 36 states that all new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum parking standards adopted by the Local Planning Authorities (Appendix 6).
- 7.23 The proposed development is for the change of use from residential garage to a commercial use for mechanical repairs, part replacement and diagnostics. The business will be operated by the owner of the site only and will be of a small-scale nature. The business will be operated with a diary-based booking system to limit the amount of vehicles and customers on site, and it is proposed that no more than two vehicles will be present at the premises at one time.
- 7.24 With this in mind and given the size of the site and the small-scale nature of the proposed business it is considered that the proposed development will not have a significantly adverse impact upon highway safety. This matter weighs neutrally in the planning balance.

7.25 The Highways Authority have confirmed that following the additional information received regarding the booking system for the proposed business they have no objections to make.

7.26 The proposal is deemed acceptable in respect of highway related matters.

## **8.0 Summary and Conclusion**

8.1 When considering an application, it is important to weigh up the planning balance. It is noted that the application is acceptable in terms of highway safety and flood risk, and in this respect the proposal accords with Policies 4 and 36. Such matters are a prerequisite of all planning applications and thus weighs neutrally in the planning balance.

8.2 However, the proposed development by virtue of its nature and location will result in an adverse impact upon the amenity of the neighbouring dwellings, particularly in relation to noise impacts and activities related to this type of use, by introducing a commercial premises into a wholly residential location. Therefore, the scheme fails to accord with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan (2019). Furthermore, due to the conflict that would arise to neighbouring land uses, the principle of the development is not considered to be acceptable. Both matters weigh negatively in the planning balance and are afforded significant weight. The applicant has failed to demonstrate or justify how the resultant harm could be suitably mitigated, or that a departure from the Local Plan is warranted in this instance.

8.3 Therefore, for the reasons detailed above, it is considered that the limited benefits of the scheme do not outweigh the wider public harm that would arise in the planning balance. As such, the proposal is not considered to be suitable or acceptable.

## **9.0 Recommendation**

9.1 It is recommended that Committee refuse this application subject to the reason below:

- 1 If allowed the proposal would be likely to have unacceptably harmful impacts on the residential amenities and quality of life of the adjoining dwellings in terms of noise and activity levels. Due to the close proximity of the application site and its residential location, it is considered that these impacts are not reliably capable of mitigation. The proposal would therefore be contrary to Policies 2 (6), 3 (11) and 7(a) of the South East Lincolnshire Local Plan 2019, and paragraph 198 of the NPPF.
- 2 The principle of the development as submitted is not sound by reason of its incompatibility with neighbouring land uses and is contrary to Policies 1 and 7 of the SELLP, therefore the principle of development is not acceptable.