DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0119-25**	**Applicant:**	**Mr B Macro**
Proposal:	Change of use from dwelling to dwelling and motorcycle repair (within an existing building), MOT testing, sales and stationing of temporary office cabin		
Location:	Morning Glory 102 Fleet Road Fleet		
Terminal Date:	2nd April 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission to change the use of a dwelling to a dwelling and a motorcycle repair business, including MOT testing and sales. The business is proposed to operate from an existing building within the site and also from a proposed container near the southern boundary of the site.

A separate advertisement consent application is pending determination under reference H05-0120-25 for the proposed signage.

Site Description

The site comprises land at Morning Glory, Fleet Hargate, which is located to the south of Fleet Road. The site comprises a single storey bungalow with a hipped roof form. The bungalow is set back from the road frontage and there is an existing garage building to the rear of the dwelling.

Meridian Business Park is located to the west of the site, and this site is currently under construction for industrial units. 98 Fleet Road which is a residential dwelling is located further to the west. There are some dwellings located to the east of the site, the nearest of which is 110 Fleet Road. The site is otherwise mostly surrounded by agricultural land within the wider area.

The site is outside any defined settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H05-1161-85: (Full Application) Provision of a new vehicular and pedestrian access to existing bungalow - approved 13 January 1986

H05-0356-03: (S191 Lawful Development Certificate) Occupation of dwelling by person(s) not employed in agriculture in breach of Condition 2 of EE637/72 - approved 12 May 2003

H05-0904-03: (Full Application) Proposed detached double garage and study - approved 08 September 2003

H05-0623-08: (Full Application) Garage for storage of personal classic cars (retrospective) - approved 30 June 2008

H05-0333-16: (Full Application) Proposed replacement garage - approved 26 May 2016

H05-0120-25: (Advertisement Consent) Display of 3 illuminated advertisement signs - pending determination

It should be noted that Condition 3 of permission H05-0904-03 sets out that the approved garage building shall be used for a purpose incidental to the enjoyment of the dwellinghouse as such and shall not be used for commercial purposes. However, the garage building within the site was demolished and replaced and there were no similar conditions restricting the use in other subsequent permissions.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore, the Board has no comments to make.

Environmental Protection: No concerns.

Lincolnshire County Council - Highways and SUDS:

First Response (06 March 2025): A simple transport statement is required detailing the existing vehicle movements and those with the proposal. The different types/sizes of vehicles accessing the site on a daily basis should be detailed. The width of the access should be detailed and should be wide enough to accommodate two-way traffic. A minimum of 4.5m.

Second Response (18 March 2025): No objections. The proposal is for the change of use from dwelling to dwelling and motorcycle repair (within an existing building), MOT testing, sales and stationing of temporary office cabin. The access exists and the width is suitable to allow two-way traffic should the need arise, and the gate will be moved further into the site to allow calling vehicles to wait clear of the highway. The company will offer motorcycle servicing, repairs, tyre fitting, MOT testing and will operate Monday-Friday 0900-1700 and Saturdays 0900-1200 by appointment only generally through peak season of March-September. There will normally be three deliveries per day in a transit van with 3-4 motorcycles visiting for servicing and MOT. 80-90% of customers will arrive and depart on their motorcycles with a small number arriving by trailer or box van. The parking demonstrated is acceptable. There is no precise definition of "severe" with regards to NPPF Paragraph 116. The Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Fleet Parish Council: No response received.

Cllr P S Barnes: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024

(NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limit and is therefore within the countryside in planning policy terms. Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and / or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The proposed development is for a change of use of a dwelling to a dwelling and a motorcycle repair business, including MOT testing and sales. The business is proposed to operate from an existing building within the site and a proposed container which is proposed at the rear of the site. The proposal is for a relatively small scale business, however, the proposals would proposed some benefits in terms of supporting a small scale business and potentially providing employment.

Policy 7 of the Local Plan sets out that new businesses outside of the 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. As the proposal seeks to use an existing building within the site for the business, this accords with the aims of Policy 7. A container is also proposed to support the business operations, to provide an office and welfare facilities. The container is relatively small, measuring approximately 12.2m by 2.4m, and 2.6m in height. A similar sized building could be constructed using permitted development rights. The container would not be highly visible from the surrounding area and the container is proposed to be located on previously developed land. Therefore, due to the proposed siting and relatively small scale of the container, it is considered to be acceptable in this case.

The principle of the proposed development is therefore considered to be acceptable in this case. This is however subject to a consideration as to whether the proposed development accords with the development plan and national policy in terms of other material considerations.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing

a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The application seeks to re-use an existing building within the site. No extensions or external alterations are proposed, except the proposed illuminated sign on the western elevation of the building. The visual impact of the proposed development on the building will therefore be minimal. A separate application is pending determination for the proposed signage under reference H05-0120-25. The visual impact of the signage on the building is however considered to be acceptable due to its positioning and relatively small size.

A container is also proposed along the southern boundary of the site. The proposed container is relatively small, measuring approximately 12.2m by 2.4m, and 2.6m in height. The container would not be highly visible from the street scene as the existing dwelling and garage building would largely screen the container. There are no public viewpoints from the south of the site. The visual impact of the container is considered to be acceptable on balance.

The site entrance is proposed to be widened, and two gabion baskets are proposed with signage on either side of the access. As referenced above, a separate application is pending determination for the two access signs, however, it is considered that the visual impact of the signage is acceptable. The scale and positioning of the signs is proportionate, and the proposed illumination of the signs would be 600 cdm-2, which is not overly bright for the location.

The proposal would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed use of the site includes motorcycle servicing, repairs, tyre fitting, and MOT testing. The proposed opening hours are Monday to Friday 9am to 5pm, and Saturdays 9am to 12 (midday). It is proposed that customers will access the site via appointment only, generally through the peak season which runs from March to September. As the applicant intends to live within the dwelling within the site, it would be in the applicant's interests to manage appointments effectively to avoid a build up of customers and disruption to their home. It is considered appropriate to include a condition to limit the opening hours as proposed to ensure that the business does not operate at unsociable hours (for example throughout the night).

The applicant has set out that there will normally be three deliveries per day in a transit van. It is also likely that there will be three to four customers visiting for servicing and MOT per day. Approximately 80% of customers are anticipated to arrive without assistance, and a smaller percentage drop off a motorcycle via trailer, van or courier.

The applicant has based the anticipated number of customers and business operations based on their current employment and as such this supports the validity of the information that has been provided.

It is expected that only the applicant would be an employee of the business, however, the applicant hopes to be able to employ another member of staff once the business is operating from the site. If another person was employed it is not considered that this would generate a significant level of disturbance of comings and goings to the site. The impact of this would therefore be acceptable.

According to the applicant, the business utilises the following machinery and tools:
-Hand tools;
-Air compressor for associated tools used infrequently;

-Tyre changing machine;
-Wheel balancer; and
-Ultrasonic cleaner.

The air tools will be powered by a silent air compressor and an exhaust gas extraction system will be installed so engines can be run with the workshop doors closed and the building insulated internally to provide a comfortable and quiet working environment. The existing roller shutter door into the building faces west away from the nearest residential dwelling. The council's environmental protection team have not raised any objections to the proposals in terms of noise generation or disturbance, nor have they recommended any conditions.

Meridian Business Park is located to the west of the site, and this site is currently under construction for industrial units. 98 Fleet Road is the nearest residential dwelling to the site, and this is located approximately 70m to the west of the site boundary. There are also some dwellings located to the east of the site, the nearest of which is 110 Fleet Road which is approximately 50m from the site boundary. There is agricultural land immediately to the south and east of the site. There are therefore no dwellings adjacent to the site. The proposed use of the site would not be expected to have a significant adverse impact on the amenity of nearby dwellings. The comings and goings would not be significant and any noise that is generated from the business should largely be contained within the buildings within the site, or the noise would not be so significant as to result in a significant adverse impact.

The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The existing vehicular access from Fleet Road, along the northern boundary of the site will continue to be used. The access is proposed to be widened as a result of changing the fencing within the site. The existing gates onto Fleet Road will be set back in order to allow vehicles to exit the site. The width of the access is sufficient to allow for two vehicles to pass one another and the access gate will be moved further into the site. This should avoid the need for any vehicles to have to wait on the highway. There is room for parking and turning within the site to allow vehicles to enter and leave the site in a forward gear.

Lincolnshire County Council's highways team have reviewed the proposals and initially requested further information including a transport statement setting out further details of the proposals and clarification on the site plan that the access measures 4.5m in width. This has subsequently been provided and the highways team have set out that they have no objections to the proposals. No conditions or informatives have been recommended. The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment.

Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a biodiversity net gain exemption statement. The applicant considers that the proposed development would fall under the de minimis exemption. For example, the proposed alterations to the access would only affect an unvegetated unsealed surface. The proposed container would also be located on an area of existing hardstanding and as such no habitat would be affected. The local planning authority agrees that the proposed development would fall under the de minimis exemption. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified within the Environment Agency's flood risk maps. Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The site is within an area which is has a hazard rating of 'Low' according to the SFRA. No specific mitigation is recommended for the proposed form of development based on the Standing Advice Matrix within the SFRA.

The proposed use is classed as a 'less vulnerable' use according to Annex 3 of the NPPF. It is therefore not necessary to apply to exceptions test to the development.

It is not necessary to apply the sequential test to the proposed change of use of the building within the site as change of use applications are exempt from this requirement, according to Paragraph 176 of the NPPF. The proposed container is however a new structure that is required to pass the sequential test. The proposed container would be an ancillary part of the proposals to support the main part of the business, which would take place within the existing garage building within the site. It is therefore not considered to be feasible for the container to be located elsewhere, and it is therefore considered that the container passes the sequential test. The development therefore satisfactorily accords with Policy 4 in the Local Plan and Section 14 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 7, 28 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.