DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H05-1023-24** | **Applicant:** | **Godfreys Automotive Services Ltd.** |
| **Proposal:** | Change of use of premises from Class E to Class B2 | | |
| **Location:** | 19 Fleet Road Industrial Estate Fleet Spalding | | |
| **Terminal Date:** | 19th February 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**

Section 9 - Promoting sustainable transport
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

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | | | | |

| | | | | |
|---|---|---|---|---|
| | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Description of Proposal

This is application seeks permission to change the use of 19 Fleet Road Industrial Estate from Class E to Class B2. The specific change would be from a window glazing company to a commercial garage. No external alterations are proposed.

### Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within Fleet Road Industrial estate, identified as established employment site HO001 within the inset maps. Naturally, the site has a clear industrial character, featuring large metallic commercial buildings. Unit 19 is typical of this built form, being a metal and brick building, with an area of hardstanding for parking to the front.

### Relevant History

No relevant history.

### Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

"no external vehicle repairs to be undertaken at the rear of the site. hours of work restriction of 8:00-16:00 Mon-Friday and 8:00-13:00 Saturday, no Sunday working. advised to protect amenity of nearby residents from potential noise nuisance"

Highway and Lead Local Flood Authority

"The proposal is for the change of use of premises from Class E to Class B2. The sites last use was for a window glazing company. This is an existing Industrial Estate and therefore the proposal will not have an adverse impact on the public highway."

Cllr Barnes

"No objection in principle - but suggest conditions may be needed: My understanding that this is to be a motor repair facility and therefore consideration should be given to:
1. Parking for vehicles to be repaired should be contained within the plot. i.e no parking, or working, on the road in the industrial estate
2. Opening times should be considered to ensure there is no noise to residents backing on to the unit
3. Consideration regarding interceptors and storage of oils etc to ensure any spillage of oils or contaminants does not enter the water course or contaminate the ground"

South Holland Internal Drainage Board

"Thank you for your consultation on planning application H05-1023-24. 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 for a change of use does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make."

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, 1 letter of representation has been received.

This can be summarised as:

-Concerns regarding noise impact
-Requests appropriate working hours

**Key Planning Considerations**

Evaluation

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 within the settlement of Holbeach which is classed as main service centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Where a proposal involves the extension, creation or loss of an existing employment site, Policy 1 is supported by Policy 7. As discussed above, the site is within the Fleet Road Industrial Estate Employment Area outlined within Policy 7. Policy 7 restricts development within this area to Classes B1, B2 and B8 (although since the time of publication, B1 use class now falls within class E).

Policy 7 states that "The South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity". Naturally, the proposal will achieve this goal via the expansion of an existing commercial venture, and the reoccupation of a currently vacant plot. This will ensure the long term viability of the Fleet Road employment area, while also providing/ maintaining jobs within the District.

As detailed, Policy 7 states that "The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use

development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified".

The proposal falls into use Class B2. It is clearly an appropriate location for a commercial development of this nature, and consistent with the limitations placed upon the employment site via Policy 7.

As such, the proposal is considered to be in accordance with Policies 1 and 7 of the SELLP. The principle of development is considered acceptable, subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

As no external alterations are proposed, the tangible character impacts arising from the development are reduced. The new use would be wholly in keeping with the industrial character of the area and therefore, the use is considered entirely appropriate from a character perspective.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident 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 SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There is the potential for an increased level of noise generation as a result of the development.

While it is appreciated that as a B2 use, the noise generated would not be unexpected in an employment area such as this, there is the potential that the change of use may impact upon the occupants of the three adjacent dwellings, all of which are within 30m from the site. It is expected that during the hours of operation, a notable level of noise would be generated via the business whilst repairs etc take place. To limit this, it is recommended that a condition be imposed to direct more impactful operations (such as external vehicle repairs) to within the building itself. This should muffle the noise to a certain extent.

It is also recommended that conditions are imposed to limit the hours of operation. The hours should be in line with those currently present in the area and those recommended by the Environmental Protection Department, thereby reducing any potential impacts. It is recommended that the hours of 08:00 to 16:00 on weekdays are imposed, as these align with working hours and therefore limit impact upon neighbours. On Saturday, an earlier finishing time of 13:00 is recommended, in line with the comments of Environmental Protection, to prevent significant harm.

Formal comments received from Environmental Protection have not raised an objection, nor have noise concerns been directly raised within their comments.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least one space per 65sqm of B2 space. This produces an estimated parking need of 10 spaces. This requirement can be sufficiently met on the site, without impacting upon the highway network. Ample room is present within the large forecourt for vehicles parked prior to or after works to be safely located without impacting upon the highway network.

As the proposal is within the defined settlement boundaries, employees could access the site via sustainable means of transport. The nature of the proposed business would reduce the viability of customers using alternative modes of transport; however, this is considered unavoidable given the circumstances. That being said, it does enable customers to walk into town after dropping off their vehicle, or walk to collect their vehicle, therefore, reducing the need for additional trips.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to

areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as low-hazard, with a hazard depth of 0.25m.

As a change of use application, there is no requirement to apply the sequential test, in line with footnote 62 of the NPPF. The change of use would not increase the vulnerability of the site, or neighbouring sites, to flooding, nor would it increase the risk of a flood event occurring.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted

and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The proposal falls under the de-minimis threshold. As such, the proposal is exempt from the need for biodiversity net gain as outlined within section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

## 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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

## 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 is considered to comply with Policies 1, 2, 3, 4, 7, 28, 33, and 36 of the SELLP, as well as Sections 9, 12, 14 and 15 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.