DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0472-24**	**Applicant:**	**Ian Brown Electrical**
Proposal:	Part change of use from electrical engineers business to car sales and detailing - retrospective		
Location:	Blazegate Gedney Spalding		
Terminal Date:	25th November 2024		

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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
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	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The proposal is for a part change of use from electrical engineers' business to car sales and detailing, the application is retrospective. The proposal seeks that 7 cars will be located within the showroom and 4 cars stored externally, this is shown on floor plans. Working hours are proposed 7am until 7 pm 7 days a week, also an existing jet washing area will be utilised for the cleaning and detailing of cars.

The applicant has submitted a supporting statement, as well as one from Ian Brown Electricals. A document that details how the jet wash is used has also been received during the application process, this outlines the frequency as well as chemical used in the cleaning of the vehicles in this area. This jet wash is also used by the existing business, for the cleaning of their vehicles (though this sits outside of the remit of consideration for this application.)

Site Description

The application site is located outside of any defined settlement boundary and within the open countryside. The site is located east of Gedney and north of Long Sutton. The SFRA shows that the application site is located in a present day low risk but an area considered to be 'Danger for most' with a hazard mapping modeling for 2115.

The application site fronts Blazegate, but is located almost opposite the junction with Gipsy Lane. The site is treated with palisade fencing and has a large concrete apron with additional gravel areas associated with its yard. The application site is being used by an electrical engineer firm, which ais a long-established business on this site. It has previously been used as a campervan refurbishment business; therefore two uses have operated from these premises.

History

None-Relevant

Consultation Responses

Parish

Council has no objections to this application

IDB

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents

Highways & Suds Support

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has 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.

Environment Agency

The EA initially raised concerns in relation to this application, specifically the jet washing activities. The amin concerns was there would be leachate from the use of this facility into ground waters. The applicant provided a break down of the jetting process, including amount and types of solutions used to wash vehicles.

Subsequently the EA have stated:

We have reviewed the submitted information and have added the site to our national Low Risk Discharge register.
Should there be any changes in terms of the discharge volume, products or operational issues, an Environmental Permit may be needed.

Environmental Protection

No comments received.

Representations

This application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015 (as amended). The application has been subject to numerous objections from the same representee. The concerns (though no exhaustive) can be summarised to the following material points.

-The application site is in Flood Zone 3.
-Operating hours are different from what is stated
-Jet washing descriptions are not accurate
-Impacts on amenity from the use of the business
-The use of the Jet wash is not as described within subsequent documents

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-

quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It This is a planning application to broaden the existing use of the site to allow for car sale and car 'detailing' which appears to include cleaning/valeting and prep work. The site has been historically used by Ian Brown, Electrical Engineers, this use is considered to be light industrial (E - Use) whilst the proposal is Sui Generis.

Therefore, the following issues are relevant to this assessment.

Principle of Development
Environmental Issues
Character and Design
Highway Safety
Drainage
Ecology
Planning Balance

Principle of Development

SELLP Policy 1 sets out the policy approach in relation to an open countryside location. It states that *In 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.*

SELLP Policy 7 is concerned with improving South East Lincolnshire Employment Land Portfolio. Whilst this application site is not located within a defined or allocated employment site, the policy does consider employment uses in general. It 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;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The proposal is to change part of the existing use of the site to form 'Car Sales and Car Detailing' and therefore represents a conversion 'reuse of an existing building/yard' and is therefore complicit with SELLP Policy 7. In general principle terms then this policy supports such a use and given this development is relatively small scale it is unlikely to jeopardise other existing employment sites, or those yet to come forward. An assessment on Highway impacts, character and impact upon

neighbouring land uses follow on in this report.

The proposal whilst not strictly in accordance with SELLP Policy 1, it is noted that material considerations do exist in that the application site already retains an industrial use, this is therefore a diversification of that. The proposal however is more appropriately assessed against SELLP 7, which is broad principle terms is considered acceptable.

Environmental Issues

NPPF Paragraph 135 of the National Planning Policy Framework (December, 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The application would see a part change of use of the building for car sales and car detailing. The applicant seeks permission for this change and has expanded upon how the building will operate.

Externally there are two spaces for Astech staff members and 4 spaces for stock. Internally there is an office and internal show room that is shared with Ian Brown Electrical. A jet washing area is also shown to the rear of the building, this infrastructure was already in site and therefore the assessment is relevant to the way the application site is used, rather than physical works. (Operational impacts).

The applicant proposes that 7 cars will be located within the showroom and 4 cars stored externally. Working Hours are proposed 7am until 7 pm 7 days a week. An expansion of this use is contained within Astechs supporting statement, which states: *Within this time frame, 'ASTECH' are willing to take into consideration the surrounding residents and will not be using any external equipment such as jet washers between the hours of 7am to 8.30am and also between 5.00pm and 7.00pm Monday to Saturday. On Sundays, this usage will not occur between the hours of 7.00am to 10.00am and also between 4.00pm to 7.00pm.*

These hours are considered acceptable as the existing building (used by Ian Brown Electrical) operates unrestricted. The conditionality is considered both reasonable and necessary due to the intensification of the site.

In a letter addressed to the Environment Agency the applicant outlines the frequency with which this jet wash is used, stating that: The jet wash will be utilised *approximately twice a week and on busier weeks it may be used three times*. This document also describes the process of jet washing.

It is considered that given Environmental Protection have not made comment despite being consulted and that the jet washer is already on site (and can be used by the existing business, Ian Brown Electrical, with no restrictions) that the additional use by Astech would not impact upon the amenity of neighbouring properties to a level that would warrant refusal. The use of this jet washer by Astech will be tied to the details provided in that supporting statement, including its operational hours.

All of the other component uses of the business are considered to represent an acceptable level of activity also. It is unlikely that the sale of cars would lead to an unacceptable level of noise and disturbance, especially given that the supporting information states there will be a maximum of 11 cars on the premises (7 in the show room and 4 outside). The supporting information will be conditioned to ensure that this remains the case.

There has been some input from the EA regarding the chemicals used within the jet wash. The applicant has provided a description of what chemicals are used and how frequently the jet washer is used. Following the most recent response the EA have confirmed that they will add the site to their national Low Risk Discharge register and monitor.

Should the use change (both in terms of cleaning products used and frequency) then potentially the applicant will need to apply for an Environmental Permit. This process sits outside of planning and given the jet wash facility can be used by the existing business, it would be unreasonable to restrict its use (other than how described) through condition.

The operating hours are also considered acceptable and will be conditioned to accord with the supporting information (especially in terms of times when the jet washer will be used). These conditions are considered reasonable as they are based upon the information provided by the applicant.

On this basis the proposal would accord with SELLP Policies 2 and 30 as well as NPPF Paragraph 135.

Highways Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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 would be severe".

SELLP 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.

SELLP 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.

This application would not make any changes to the existing access arrangement. The yard also provides ample space for parking and for vehicles (both staff and those for sale) to enter and leave the site is a forward gear. LCC Highway have been consulted and have no objections to the proposal.

On this basis the proposal would accord with SELLP Policies 2 and 3.

Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.
SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be low hazard rating on both the South Holland District present day and a danger for most on the 2115 flood maps.

That said the application site is already in use for light industrial purposes and the application represents a diversification to also allow for the sale of cars, cleaning and detailing. In terms of flood risk principle the proposal is therefore acceptable as there would be no change in vulnerability classification.

Furthermore, there are no additional buildings proposed and so the existing surface water drainage strategy is acceptable. This includes the disposal of grey water from the jet washing facility. The EA expressed initial concern that there would be potential leachate into the ground grom the chemicals. Subsequently the applicant has provided information, entitled 'Di Minimis' exemption. This document outlines the frequency of use of the jet washer as well as the products used in the cleaning process. On review of this document the EA have stated that they will place the application site on their national Low Risk Discharge register. The contents of this supporting document will be conditioned with any approval.

Given the position of the EA and their ability to mitigate unacceptable impacts in regards to ground water leachate through their legislative powers the proposal is planning terms is considered acceptable.

Ecology

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has provided a BNG statement confirming that no physical changes are made to the site. The proposal relates only to operational development and therefore it is considered that the application is exempt from BNG on di minimis grounds.

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 is for a part operational change of use of the building and yard. Most of the planning issues relate to the jet washer in terms of noise and leachate. Given that the jet washer can be used unrestricted by the existing business (Ian Brown) and the modest use of it by Astech outlined within the supporting information then in terms of noise, this would not be considered so unacceptable that would led to a refusal. Moreover as regards ground leachate the EA have confirmed that the application site is now on a register and any changes to the frequency or products used in the jet washing element may result in the need for the applicant to apply for an Environmental Permit.

In this instance then, there are material considerations that weigh for the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 7, 28, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023).

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.