DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0016-20**	**Applicant:**	**Mr S Sahdi**
Proposal:	Change of use from car sales to car wash/valeting area and erection of canopy		
Location:	A152 Hand Car Wash Spalding Road Gosberton		
Terminal Date:	18th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a change of use from car sales to car wash/valeting area and

erection of canopy at the A152 Hand Car Wash, Spalding Road, Gosberton.

The proposed canopy would form a continuation of the existing building on the site, being constructed of sheet metal cladding with a sloped roof to reflect that of the existing building. It would be approx. 12m in length and 9m deep. The highest part (at the front) would be 4m.

The proposed hours of work are 8:00am to 5:00pm Monday - Friday (including Bank Holidays). This is no longer than the existing opening hours of the permitted uses on the wider site.

Site Description

The application site is currently used for car sales and sits within a wider site which is used for car washing and valeting as well as the sale of vehicles and caravans. The application site adjoins the southern boundary of the land.

There are two residential properties to the north of the wider site, the nearest of which is approx. 80m away. The rest of the surrounding land is agricultural.

History

H08-0977-18 - Use of site (areas marked on 1:500 plan) for sale of vehicles and caravans (approved November 2018)

Consultation Responses

Cllr Walsh - No objections.

Gosberton Parish Council - No comments.

SHDC Environmental Protection - No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

Principle

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019). It is therefore classed as being in the countryside in planning policy terms and in an area where development it typically restricted. However, part of the wider site already benefits from a permitted use of car washing and valeting - The proposal would be an extension of the existing area within the curtilage of the wider site that is used for this activity. The proposal would therefore, in principle, be acceptable.

Design, Layout and Scale

It is not considered that the proposal would result in demonstrable harm to the character and appearance of the area. It would form a continuation of the existing building on the site and take a similar form in terms of the sloping roof. It would be constructed of sheet metal cladding which is different to the existing building. However, such cladding is typically seen in rural areas as it is a popular choice for agricultural buildings. It would therefore not be out of keeping with the agricultural surroundings.

Taking the above into account, it is concluded that the design, layout and scale of the proposed canopy accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Residential Amenity

It is not considered that the proposal would have a material adverse impact on residential amenity.

SHDC Environmental Protection have not raised any concerns and there have been no resident objections. The hours of work would be no longer than existing and car washing/valeting is already a permitted use on part of the wider site. The nearest residential property is approximately 80m away.

The proposal is therefore considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

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 the above into account, the proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.