DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0569-22**	**Applicant:**	**Discount Motors**
Proposal:	Proposed new vehicle MOT, service, valet and sales facility (including associated demolitions. and external works - approved under H08-0776-19. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	17 High Street Gosberton Spalding		
Terminal Date:	27th July 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution

National Guidance

National Planning Policy Framework 2021

Sections 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for a proposed new vehicle MOT, service, valet and sales facility (including associated demolitions, and external works - approved under H08-0776-19. This application seeks a modification of Condition 2 to allow amendments to previously approved plans.

The submitted covering letter states *"In terms of buildings, the application granted approval for the construction of an MOT/service building and a Valet building at the rear of the site. The intention is still to implement the MOT/Service building, but in order to make the Valet building financially viable it is now proposed that the new building at the rear of the site be omitted in favour of a sectional concrete pre-fabricated building to be located on the footprint of the current garage on the south boundary of the site. Additionally, there is a need to improve site security and consequently the applicant would like to propose steel palisade fencing and gates to the site in place of the previously proposed close-boarded timber fencing."*

Steel palisade fencing at a height of 1.95 metres is proposed to border the entirety of the boundary. A MOT and Service Building measuring 12 metres in depth, approximately 20 metres in width and a maximum height of 5.78 metres will be sited toward the north-east corner of the site. A small office will be attached to the front of this building, measuring 5.15 metres in depth and 4.5 metres in width.

A detached building measuring 9.8 metres in depth, 3.1 metres in width and maximum height of 2.6 metres is to form the Sales Office Portacabin. Adjacent to the frontage at the south east corner of the site a vehicle valet building will be located measuring 11.5 metres in width, 7.5 metres in depth and 3.44 metres in height. A covered area 4 metres in depth and 11.5 metres in width will be sited to the side of the building for external washing purchases. The valet building will be constructed from prefabricated section concrete on the same footprint as the existing shed in this location.

The proposed hours of operation for car sales and valet buildings will be 09:00 - 18:00 Monday to Friday, 10:00 - 16:00 on Saturdays and 10:00 - 16:00 on Sundays/Bank Holidays. The hours of operation for the MOT and service building will be 09:00 - 18:00 Monday to Friday and 10:00 - 16:00 on Saturday. This building will be closed on Sundays/Bank Holidays.

The proposed valet building will solely be for the full valet preparation and finishing of cars serviced and cars for sale. It will not be available for public use.

SITE DESCRIPTION

The existing site currently contains three buildings for motor sales in various states of repair. Open fields are located to the north (rear) of the site, with a children's nursery to the west and 11 High Street to the east beyond a wide agricultural vehicle access point. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H08-0725-79

Full - Use of land for siting of caravan - Temporary one year permission - 12 September 1979

H08-0178-82

Full - Continuation of use of land for siting of mobile home - Temporary five year permission - 04 May 1982.

H08-1292-88

Full - Retention of mobile home for a further 5 years - Temporary five year permission - 13 October

1988.

H08-0776-19

Full - Proposed new vehicle MOT, service, valet and sales facility (including associated demolitions and external works) - Approved - 07 October 2019.

CONSULTATION RESPONSES

Lincolnshire County Council - County Highways & SUDS Officer

No objection - *"The proposal is for minor amendments to Condition 2 to allow amendments to previously approved plans that already has approval under H08-0776-19. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk."*

South Holland District Council - Environmental Protection

"No objection."

Welland & Deepings Internal Drainage Board

"If at any point a discharge of surface water or treated effluent is proposed into any watercourse then an application would need to be made in advance to the Board. Any application would be subject to the agreement of technical details, payment of the application fee and, if necessary, payment of a relevant development contribution all in advance of the development being started."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Minor Service Centres. This section of the policy states:

"Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill."

When assessed against the above criteria the following can be observed:

The proposal seeks to modernise and extend the lifetime of the business thereby helping to sustain existing facilities in the settlement.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size and scale of the proposal has been reduced since the previous approval under H08-0776-19, and the layout is largely unaltered. No trees will be removed to facilitate this proposal. The character and appearance of the area will be instantly improved by removal and replace of the dilapidated buildings on site, and the security of the site will be improved by the installation of palisade fencing.

2. The design best enables the needs of the application without impacting residential amenity.

3. The valet building will be constructed from prefabricated section concrete with the MOT building constructed from coated steel cladding.

4. Access is unaltered and there is not expected to be a material change in vehicle generation as a result of the proposal.

5. The capacity of existing community services and infrastructure is not impacted by the proposal.

6. There is not considered to be an increased noise, odour or disturbance impact as a result of the proposal. Valet and MOT works have taken place on site for a number of years. The Environmental Protection Officer has no objections to the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal will lead to a small increase in overall footprint to the amount of building space on site, with all existing buildings demolished. There remains ample space on site for future development and car storage.

Overshadowing - When right to light lines are drawn, no buildings on adjacent land are affected by a material loss of light.

Overlooking - There are no windows directly facing any other developments and the site is bordered by fencing on both side boundaries, with open fields to the rear.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water is addressed by soakaways and foul water addressed by the existing mains drainage.

This proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size and scale of the proposal has been reduced since the previous approval under H08-0776-19, and the layout is largely unaltered. No trees will be removed to facilitate this proposal. The character and appearance of the area will be instantly improved by removal and replace of the dilapidated buildings on site, and the security of the site will be improved by the installation of palisade fencing. Because the buildings are being modernised and the site secured, a sense of place is considered to be improved by the proposed works.

5. Ample space remains on site for the storage of bins and cycles. Access is unaltered and there is not expected to be a material change in vehicle generation as a result of the proposal.

8. The installation of palisade fencing is considered to improve the security of the site and the visual appearance due to the dilapidated nature of existing boundary treatment of fencing to the site frontage.

11. There is not considered to be an increased noise, odour or disturbance impact as a result of the proposal. Valet and MOT works have taken place on site for a number of years. The Environmental Protection Officer has no objections to the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal will lead to a small increase in overall footprint to the amount of building space on site, with all existing buildings demolished. There remains ample space on site for future development and car storage.

Overshadowing - When right to light lines are drawn, no buildings on adjacent land are affected by a material loss of light.

Overlooking - There are no windows directly facing any other developments and the site is bordered by fencing on both side boundaries, with open fields to the rear.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water is addressed by soakaways and foul water addressed by the existing mains drainage.

This proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio - Other Employment Areas

When assessed against the relevant criteria the following can be observed:

a: The proposal works to the existing car sales and motor repair business will not conflict neighbouring land uses.
b: The design will positively impact the character and appearance of the area.
c. The design is in keeping with a business of this type.
d: There is not an impact on the local highway network from the the new buildings.
e. The proposed is for an existing business so will not impact the viability of any employment site.
f. The existing use will not have an impact on private car use.
g. The business has been in operation for a number of years and helps to provide car sales in an area of the district that does not have an abundance of such businesses.

This application accords with SELLP Policy 7.

Assessment against SELLP Policy 30 - Pollution

When assessed against the relevant criteria the following can be observed:

1. The proposal is not considered to materially impact the health and safety of the public. The Environmental Protection Officer has no objections to the application.

2. The amenity of the area, especially visual, will be improved by the proposal.

3. The built environment will be improved by the replacement of dilapidated buildings on site.

4. Air quality will not be altered by this proposal.

5. Noise levels will not be materially changed with most works occurring within buildings.

6. Light levels will not be impacted by this proposal, with no external lighting proposed and the proposed hours of operation for car sales and valet buildings will be 09:00 - 18:00 Monday to Friday, 10:00 - 16:00 on Saturdays and 10:00 - 16:00 on Sundays/Bank Holidays. The hours of operation for the MOT and service building will be 09:00 - 18:00 Monday to Friday and 10:00 - 16:00 on Saturday. This building will be closed on Sundays/Bank Holidays.

This application accords with SELLP Policy 30.

PLANNING BALANCE

The proposal is considered to improve the visual amenity of the surrounding area and increase the lifetime of the business on site. There is not an increased pollution or disturbance impact from the works. This application accords with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy 2021.

CONCLUSION

This application is considered to be in accordance with Policy 7 of the SELLP, 2019 and NPPF Section 6 which supports building a strong, competitive economy. There is not considered to be any harm to the amenity of nearby business or residences by the proposed operation.

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2021.

A delegated approval is considered to be appropriate.

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.