

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0920-23 **Applicant:** Mr E Elfeky

Proposal: Proposed change of use of redundant courier/transportation business to car dismantling business

Location: The Old Ship Inn Beck Bank Gosberton Clough

Terminal Date: 6th November 2023

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
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This application is a county matters application, submitted to Lincolnshire County Council. The applicant is seeking planning permission for a proposed change of use from a courier transportation business to a car dismantling business.

Site Description

The application site is located within the settlement boundary for Gosberton Clough as identified by

the SELLP inset maps (map 42). The site is located on the corner of Clough Road and Beck Bank and is treated with palisade fencing. A sheet metal building is located within the site and a large yard area exists. Two access points exit on Clough Road and the other on Beck Bank. There is some planting along the boundary on Beck Road. The nearest residential properties are Ye Old Ship which is owned by the applicant (and outlined in blue on the location plan) and Caldene, this is separated by a telephone exchange building.

History

H08-0991-22 - County Matters- Proposed change of use of redundant courier/transportation business to car dismantling business including 2.0m high palisade security fencing, non-determined.

H08-1150-22 - County Matters - Proposed change of use of redundant courier/transportation business to car dismantling business. No objections

Consultation Responses

The following consultations were carried out by Lincolnshire County Council who are the decision maker for the application. The responses of the below consultees are sent directly to County and so not included within this report. For information, these consultees are:

- Gosberton Parish Council
- Local County Council Member, Councillor J King
- Environment Agency
- South Holland DC - Environmental Health
- Lincolnshire Police - Designing Out Crime Officer
- Lincolnshire County Council, Highways & SuDS

Representations

A resident letter has been received stating 'no objection'.

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 Southeast 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 for the proposal subject to this advice, are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The following issues are relevant to this consideration:

- Principle of development
- Flood Risk
- Environmental Issues (including amenity)
- Design, Character and Appearance
- Highway Safety & Parking Provision

Principle of Development

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 until 2036. Policy 1 (Spatial Strategy) expresses the 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.

The application site is located within the settlement limits for Gosberton Risegate which is categorised as 'other service centres and settlements'. Of these areas the policy states:

"Within the settlement boundaries of the Other Service Centres and Settlements (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 Committed sites and infill. "

Policy 7 of the SELLP is concerned with Improving South East Lincolnshire's Employment Land Portfolio. With regard to 'other' employment sites the policy 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".

The proposal then to reuse an existing brownfield site (formally courier transportation business) to form a vehicle dismantling business is considered acceptable in planning principle. The proposal would align with the overarching spatial strategy set out by policy 1 of the SELLP and relate to the reuse of previous development land (within a settlement boundary) and so accord with policy 7 of the SELLP.

Flood Risk

Policy 4 sets out South Hollands approach to Flood Risk, Section 14 of the NPPF also concerns itself (in part) with flood risk and both are relevant. The application site is located within FZ 1 in accordance with EA Planning Maps. In flooding principle terms, the proposal is acceptable.

The county council may wish to consider whether the treatment of hazardous wastes (which would require a permit in any case) are sufficiently accounted for within the drainage strategy. Other than this SHDC planning are satisfied that the proposal could meet with the requirements of policy 4 of the SELLP and section 14 of the NPPF.

Environmental Issues (including amenity)

Paragraph 130 of the National Planning Policy Framework (2021) 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.

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

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.

It is anticipated that Environmental Protection will put forward a robust response on these issues, of course the applicant will also require an environmental permit. In planning terms mitigation regarding neighbouring amenity is important to protect. The applicant has put forward operating hours within a supporting statement and these would appear appropriate. Also, as the proposal would include external storage, the use of machinery outside needs to be at an acceptable noise level; it is noted that no information on the acoustic nature of outside operations has been submitted, a condition preventing any works of dismantling in outside areas may be required. A point of note is the location of the Scrap Metal Skips (located close to Ye Old Ship, which is a dwelling). The plans suggest they are emptied weekly, but no method for noise mitigation is described. It not clear what impact/level of noise this would generate at this stage and whether it would be acceptable. Environmental Protection are likely to advise and expand on this topic.

It is recommended that the operational activity (in order to minimise impact to neighbouring amenity) is linked to the 'Supporting Statement' carried out by JB Architectural Design Services (dated October 2022) and that LCC are happy that the noise from any external operations would not unacceptably impact the amenity of neighbouring residents.

Design, Character and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development.

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'. Policy 3 sets out the 'Design of new development' in part it states 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"

The site at present is treated with palisade fencing and some planting exists along the western boundary, though this is sparse. The removal of some 'dilapidated' buildings from this area has/will take place and in this space the stripped vehicles/body shells will be stored awaiting removal from site. There is also a similar arrangement proposed on the south eastern boundary, along with the addition of some more palisade fencing. It is considered that should these vehicles be 'stacked' then an impact upon the wider character of the area would be introduced. At single height the impact is localised to the street scene with the boundary planting diluting the impact, and given the exiting character of the site this would be acceptable. It is recommended that a condition limiting the height of external storage to 1 vehicle (or a certain prescriptive height (that would not introduce wider character impacts)) may be required to minimise the impact upon character. The landscaping maintenance should also form part of the approved documents, which helps in screening the internal element of the site. The existing building would not be overly altered and given its existing character/condition the proposed changes are acceptable.

Subject to some mitigation to protect the wider character of the area it is considered that the proposal could accord with policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Highway Safety & Parking Provision

In respect of highway matters, Policy 2 of the SELLP 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. Paragraph 111 of the National Planning Policy Framework (2021) 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".

The applicant shows a single access/egress point to the front of the site. A vehicle turning depiction is also provided on the site plan as well as staff parking provision. Given that this is an existing access (albeit widened) the development management team have no comments to make on Highways Safety and Parking matters.

Conclusion

The advice from SHDC development management relates to the protection of amenity for neighbouring properties, Environmental Protection are likely to give an expanded commentary on such, but at a minimum it would be anticipated that any permission is linked to the 'operational activity' described within the supporting statement. Furthermore, the height of external storage also has the ability to have wider character impacts and should be controlled (either through control of height or screening (or both if considered necessary by LCC officers)).

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.