

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1150-22 **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 January 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
30 Pollution

National Guidance**National Planning Policy Framework 2021****National Planning Policy Framework (NPPF, 2021)**

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

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Lincolnshire County Council has received an application for planning permission for the change of use of a redundant courier/transportation business to a car dismantling business. South Holland District Council has been consulted as part of the application process.

Site Description

The site is situated within the defined settlement boundary of Gosberton Risegate and Clough, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The site is positioned at the junction of Beck Bank and Clough Road. The site is part of a larger area previously occupied solely by the Old Ship Inn public house. There is frontage residential development extending in either direction on Beck Bank and Clough Road.

History

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

Consultation Responses

Black Sluice IDB

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval. Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

The applicant is reminded that the discharge of foul or dirty water direct into a watercourse is strictly prohibited. If the applicant intends to dispose of foul water to a septic tank, then the applicant should make themselves aware of the current legislation regarding septic tanks and their usage. If the applicant intends to use an existing septic tank, then the applicant will be responsible for ensuring any such structure is of a suitable condition. Any overflow discharge should be to a soakaway only, which should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable should be submitted to the local planning authority for their approval.

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

Also provides comments re access to watercourse/byelaws.

Public (3 no. objections received, summarised)

- Location is dangerous for passing pedestrians and roads not suitable for car transporter lorries
- The staggered junction is hazardous
- Surrounded by residential properties and these will be subject to noise and light pollution as well as toxic hazardous fumes
- Potential for wildlife, pets and watercourses to be impacted due to pollution from site.
- The appearance of the site is poor and would feel that the site would further deteriorate if this application is approved.
- Bring anti social behaviour due to the type of business proposed.
- Parking is restricted and would lead to customers parking off site and on dangerous junctions.

Planning Considerations

Principle

Consideration will need to be given to Policies 1 and 7 of the South East Lincolnshire Local Plan (2019) (SELLP).

Policy 1 (Spatial Strategy) of the SELLP states that development in Other Service Centres and Settlements, 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 (Improving South East Lincolnshire's Employment Land Portfolio) indicates that new employment development/businesses or the extension of an existing business outside an allocated employment site will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. In this case, the proposal reutilises an existing site, and therefore is on previously developed land.

Impact upon Character and Appearance of the Area

The character of the area is predominantly agricultural but there is frontage residential development in the vicinity of the site, with a small number of commercial businesses in the village.

Views looking east along Clough Road and from Beck Bank are relatively limited due to the existing screening of the hedges, which are to be retained. To the east of the site, the existing hedges will also be retained, which will screen the view from the neighbouring dwelling to the east.

Taking the above into account, it is not considered that the proposal would have a material adverse impact on the character and appearance of the area and would be in accordance 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 noted that Environmental Health have been directly consulted by LCC, therefore SHDC have no comments to make on this particular matter other than recommending that residents in close proximity to the site are consulted and considered.

Highway Matters

It is noted that highway officers have been directly consulted by LCC, therefore SHDC have no comments to make on this particular matter.

Flood Risk and Surface Water Drainage

The application is accompanied by a flood risk assessment which states that Gosberton Risegate and Clough is low risk, and the risk is considered to be satisfactory for the site to be used as a car dismantling business.

The submitted flood risk assessment indicates that there is no predicted risk of surface water flooding to this site. SHDC have no objections to this approach provided that it does not increase surface water flood risk off-site.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

It is therefore considered that the proposed change of use of the redundant courier/transportation business to a car dismantling business would comply with Policies 1, 4 and 7 in the South East Lincolnshire Local Plan, 2019.

Conclusion

No objection is raised to the proposal by SHDC provided that the principle of development in this location as well as the impact on residential properties in the vicinity is fully considered and

addressed.

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.