

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0563-25 **Applicant:** Mr S Hassan

Proposal: Change of use of part of existing car wash to restaurant (Use Class E) and take away (Sui Generis) with installation of extraction flue system, new shop front and rear single storey extension

Location: Land East Of Boston Road South (Formerly Jewson Ltd) Holbeach Spalding

Terminal Date: 22nd August 2025

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
- 24 The Retail Hierarchy
- 30 Pollution
- 32 Community, Health and Well-being
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- 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	1	0	0	0
WARD MEMBER	1	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	7	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission to change the use of part of an existing car wash facility to a restaurant (Use Class E) and a hot food take away (sui generis). Consent is also sought for the proposed installation of an extraction flue system, a new shop front and a rear single storey extension.

Site Description

The site comprises a single storey building and an associated yard area on land to the east of Boston Road in Holbeach. The site was previously occupied by Jewsons and was therefore a retail unit, however, the building is now used as a hand car wash site.

The site is located within the settlement boundary of Holbeach as identified within the South East Lincolnshire Local Plan (2019). The site is also within the Holbeach Town Centre policy area, as identified by Policy 24 and the accompanying policies map. Holbeach Conservation Area is located to the south of the site.

The site is located within Flood zone 3, as identified by the Environment Agency's Flood Risk maps.

Relevant Planning History

H09-0051-86: (Advertisement Consent) Fascia sign - approved 06 March 1986

H09-0590-24: (Full Application) Change of use from Retail (Class E) to (Sui Generis) Hand Car Wash with elevation alterations to existing building - approved 27 January 2025

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Holbeach Parish Council: Objection: The proposed change of use from car wash to restaurant (Use Class E) and takeaway (Sui Generis), along with associated structural alterations, represents a town centre function being introduced outside the designated town centre boundary. This raises concerns over spatial planning principles, undermines the integrity of the Local Plan, and may adversely impact the vitality of the established retail core.

South Holland Internal Drainage Board: Whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board, the proposed application does not meet our threshold for commenting in accordance with our Planning and Byelaw Strategy. Therefore, the

Board has no comments to make.

Environmental Protection - Contamination : No comments regarding land contamination.

Environmental Protection - Odour: I have no concerns regarding odour providing the premises operate in accordance with recommendations of the Delta tech odour management plan.

Environmental Protection - Other Matters: I have no concerns regarding odour providing the premises operate in accordance with recommendations of the Delta tech odour management plan

Cllr N J Chapman: Based on the current application I would object to yet another takeaway with the same offering in our small town. We currently have 8 takeaway, all providing broadly similar offerings, plus 4 ethnic restaurants also offering takeaway. These cover Indian, Chinese, kebabs, fried chicken, burgers, and most of them, except the restaurants have a cross over range from this list. We also have 2 fish and chip shops..While I'm a great takeaway fan so use many of them, they're never very busy, certainly not to the extent of needing another one. I'm also concerned about the car park, which may seem to be a bonus. However in that area in the evening there is enough short term parking for a quick pick up, and I'm concerned that the car park will become a meeting place for young drivers to show off their cars, therefore causing a noise nuisance for the local residential properties. If the plans were for another type of food that doesn't have sufficient or any representation within the town, Greek, Spanish, Pasta etc, I would look favourably on it with an amendment of the car park usage.

Lincolnshire County Council: Highways and SUDS Support: The car wash has parking to the front, but the proposed site plan does not show this. The Design and Access statement says about cycle parking and scooter parking for deliveries, but they are not detailed on the proposed site plan. Parking justification is required and spaces to be detailed on plan.

Conservation Assistant (Tree Preservation): No response received.

Conservation Officer: No response received.

SHDC Inward Investment Manager: No response received.

Ecology Officer: No response received.

Holbeach and District Civil Society: No response received.

Cllr S E Hutchinson: No response received.

Cllr T Carter: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, eight letters of representation have been received. The following matters are raised within the representations

- There are already enough takeaways and businesses that provide food in the area.
- Adding a further takeaway business would undermine existing local businesses.
- The application forms states that there are no employees at the car wash, there are at least 5 people that work there.
- The opening hours would be after 3pm. With the exception of school children and their parents, Boston Road South is quiet with little or no people about.
- The applicant states that the site and proposed area is not visible from the road or path area, however, the site is visible.
- The car wash currently sells tyres out the front of the car wash.
- The proposal states there are no plans for recycling. The law states that if there are more than 10 employees, you need separate bins for recycling, cardboard recycling, food waste and general waste. The only bins on the plans are those for general waste.
- The proposal would result in a negative impact on the town resulting in more rubbish and waste in addition to the smell and noise pollution.
- The takeaway would worsen anti-social behaviour.
- The proposed use would not be compatible with the car wash business.

- There are already too many empty shops in the area and the proposal would add to this.
- There is no space for adequate parking other than within Tesco's customer car park.
- The potential increase in traffic would worsen the condition of Boston Road South.
- The address is incorrect as 34 Boston Road South is a private dwelling.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity Net Gain; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 site is within the settlement of Holbeach which is identified as a Main Service Centre. Policy 1 of the Local Plan sets out that development will be permitted within Main Service Centres 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.

The proposed development is to change the use of part of the existing car wash business to a restaurant and take away. To facilitate this, an extraction flue system is proposed in addition to a new shop front and a single storey rear extension.

Paragraph 97 of the NPPF sets out the following:

"Local planning authorities should refuse applications for hot food takeaways and fast food outlets:
a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
b) in locations where there is evidence that a concentration of such uses is having an adverse

impact on local health, pollution or anti-social-behaviour."

Whilst the site is within walking distance of William Stukeley Church of England Primary School, the site is within a town centre area. Therefore, part a is not applicable in this instance. In terms of part b, the public representations set out concerns that the proposed takeaway would have an adverse impact on the area and that there are already too many takeaways within the area. It is recognised that there are already numerous takeaway businesses within the area (approximately 12 within Holbeach). However, the local planning authority (LPA) does not have any specific policies related to takeaways, other than Policy 24, nor does the LPA have any supplementary planning documents or policy research related to takeaways within South Holland. Therefore, the LPA does not have any specific evidence that suggests there is a concentration of hot food takeaways within Holbeach that is undermining local health, pollution or anti-social behaviour. Therefore, it is not considered that the proposals would conflict with part b of Paragraph 97 in this instance.

The site is within Holbeach Town Centre. Policy 24 sets out that within district centres such as Holbeach, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy.

Town centre uses include retail, offices, leisure, entertainment, arts, culture and tourism development, and intensive sport and recreation uses. Within Annex 2 of the NPPF, main town centre uses are defined as the following:

"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

The restaurant element of the proposals is considered to be a main town centre use, however, the proposed hot food takeaway element is not.

Within the supporting text for Policy 24 of the Local Plan, Paragraph 6.2.6 sets out the following:

"While retail uses are fundamental for attracting customers, non-retail uses, such as cafes and restaurants, can add to the vitality of centres. However, poorly-placed non-retail uses and an over-proliferation of similar uses such as hot-food takeaways and betting shops, particularly within the Primary Shopping Area, can negatively impact on the local amenity and activity within a centre and, therefore, will be resisted."

Paragraph 6.2.7 further sets out the following:

"Accordingly, a balanced approach to new development in town centres will be undertaken to promote an attractive customer experience; new uses will be permitted as long as the level of new development promoted is appropriate to its location, and does not undermine that centre's position in the hierarchy or the role of any other centre identified. Uses which attract a reasonable level of customers and therefore footfall will be supported, as these can generate passing trade for other shops and facilities in that part of a town centre thereby aiding the prosperity of the centre overall."

Part B of Policy 24 sets out five criteria that new development within Holbeach district centre should accord with, which include the following:

- 1."Be physically integrated and have good pedestrian and cycle links, with the rest of the centre;
- 2.Generate a reasonable level of footfall and be open to the public;
- 3.Contribute to an appropriate balance of uses;
- 4.Achieve an acceptable level of amenity, including provision of refuse and recycling facilities; and
- 5.Achieve an acceptable level of highway access, parking and servicing."

In terms of the above referenced five criteria, a rear extension is proposed in addition to a new shop front window. These changes are not considered to be significant, and it is considered that the site benefits from good pedestrian and cycle links. Customers could access the site on foot or by car and the proposed use would be open to the public. Whether the proposed takeaway would result in an appropriate balance of uses is a subjective matter. Takeaways can have negative impacts on an area by encouraging the consumption of unhealthy food. On the other hand, the proposed business

would provide some employment and make a small contribution to the local economy. As set out previously, the LPA does not have any specific guidance setting out that there is an over concentration of takeaways within Holbeach. Furthermore, there are no takeaways next to the site. Most of the takeaways with Holbeach are located closer to the town centre. The site is not adjacent to any dwellings and an odour management plan has been submitted with the proposals. The council's environmental protection team have confirmed that the odour management plan is acceptable. The implementation of the odour management plan should help reduce the impact of the proposals on the amenity of nearby dwellings. Waste bins are proposed next to the takeaway unit. Furthermore, the opening hours of the site would be limited by condition to further protect the residential amenity or dwellings within the area. Therefore, the proposals are likely to result in an acceptable impact on the amenity of the nearest dwellings.

Although the proposed development does not strictly accord with Policy 24 as the use is not specifically identified as a town centre use, the benefits of the proposed development are a material consideration which outweighs the conflict with the development plan, and this justifies granting planning permission for the proposal. The proposed development also otherwise complies with Policy 24, Part B. It is therefore considered that the principle of development is acceptable in this case.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

A glass paned shopfront window is proposed on the western elevation of the building, which fronts Boston Road South. Currently this elevation forms part of the car wash business that was granted approved under reference H09-0590-24. The elevation is set back from the road frontage and the site already features a commercial character. It is considered that the proposed shopfront would have an acceptable visual impact on the street scene.

A single storey rear extension is proposed on the existing building within the site. The proposed extension would result in the loss of two parking space that were approved under permission H09-0590-24. The impact of this in highway safety terms is considered later within this assessment. The extension is proposed to measure 7.8 by 5.6m. The extension is proposed to feature a flat roof, continuing the roofline of the existing building. As such, the extension would measure 3.6m in height. The scale and siting of the extension is considered to be proportionate to the host building. Part of the external flue extraction system is proposed on the roof of the extension. This would be screened from view at the front of the site due to the positioning of a taller wall along the frontage of the building. The flue would, however, be visible from the street scene further to the south of the site. The visual impact of this is considered to be acceptable on balance given the small-scale nature of the flue.

The application form indicates that the external materials for the extension include 'thermal block and brick'. It would be considered appropriate to include a condition requiring the external brickwork to match the existing brickwork as closely as possible in the interest of the visual amenity. Therefore, the visual impact of the proposed extension is acceptable.

The proposal would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is anticipated that there would be three full time and two part time employees as a result of the proposals. The council's environmental health team have also not raised concerns with the proposals in terms of noise disturbance. The team have set out that the proposed extraction system would be acceptable in terms of odour management. It would be necessary to include a condition requiring compliance with the submitted odour management measures in the interests of protecting the amenity of nearby residents.

The proposed opening hours are 8am to 11pm Mondays to Sundays. The council's environmental protection team have not raised objections to the proposed opening hours. Under permission H09-0590-24, the car wash business can operate from the site from 8:30am to 6pm Mondays to Saturdays, and 10 to 4pm on Sundays and Bank Holidays. The proposed opening hours in this case would therefore extend the use of the site beyond the current usage. The opening hours are similar to other takeaways with Holbeach. Furthermore, the site is not adjacent to any residential dwellings. It would be considered appropriate to restrict the opening hours via a planning condition.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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.

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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Under permission H09-0590-24, the approved site plan proposed six parking space at the rear of the site, and two parking spaces next to the building, where the rear extension is proposed under the current proposals. This would result in the provision of six parking spaces for the car wash business, rather than eight spaces.

The submitted application form for the current application indicates that 10 parking spaces are within the site and 10 spaces are proposed. However, initially the site plan showed no parking spaces. This was queried with the applicant as Lincolnshire County Councils (LCC) Highways Team also requested further details, including the proposed car parking arrangements. Subsequently, an amended site plan, ground floor plan and roof plan were provided showing the proposed parking spaces. Within the amended plans, 15 car parking spaces are shown within the car park area towards within the rear section of the site, and five parking spaces are shown near the site entrance.

Within Appendix 6 of the Local Plan, there are no recommended parking standards specifically set out for hot food takeaways. However, it is recommended that for restaurants and caf  s, 1 parking space is provided per 5sqm of public dining area. Approximately 17sqm of dining space is proposed and as such, it is recommended that at least four parking spaces are proposed for the development. Therefore, it is considered that there would be enough parking spaces to accommodate the proposed development and the car wash business within the site.

It is evident that permission H09-0590-25 has not been carried out in accordance with the approved plans and condition 3 of the permission has been breached. Condition 3 required the installation of bollards prior to the use of the car wash business. This was recommended by LCC's Highways Team in the interests of highway safety to prevent vehicles from accessing the site where there is a pedestrian crossing. This has not taken place and the council's enforcement team are in discussions with the developer to resolve this matter. Therefore, the proposed bollards can be secured through enforcement action if necessary and it is not considered to be necessary to require bollards under through the current proposals.

Therefore, the proposal would be acceptable in terms of highway safety, in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

In this instance, the application is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal is considered to fall within the de minimis exemption.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

Paragraph 176 of the NPPF clarifies applications for a change of use should not be subject to the sequential or exceptions test. As such, the proposed development has not been subject to either test in this case

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is mostly within a 'no hazard' area, however a small part of the site is within a low hazard area. As the site is for a non-major 'less vulnerable' use, it is not necessary for specific mitigation to be in place for the proposals.

Furthermore, the proposed development would not increase the impermeable area within the site. The proposed development therefore is not likely to increase the risk of flooding within the site. The development therefore satisfactorily accords with Policy 4 of the Local Plan.

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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and as such the proposed development accords with the Local Plan and the NPPF.

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 these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 24, 30 and 36

of the Local Plan, as well as Sections 6, 7, 8, 9, 11, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.