DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0590-24**	**Applicant:**	**Mr A Ali**
Proposal:	Change of use from Retail (Class E) to (Sui Generis) Hand Car Wash with elevation alterations to existing building		
Location:	Jewson Ltd Boston Road South Holbeach		
Terminal Date:	28th January 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
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	2

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission to change the use of the site from retail (Use Class E) to a hand car wash (sui generis). Alterations are also proposed to the elevations of the building within the site.

The proposed development has been amended during the determination of the application to address issues that were raised by Lincolnshire County Council's highways and sustainable drainage team. For example, a vehicular access is no longer proposed over the pedestrian crossing on Boston Road which is next to the site. Bollards are also proposed to prevent vehicles using the existing dropped kerb which is next to the crossing. Furthermore, the number of parking spaces has been reduced to make room for vehicles to move in and out of the site using only one access.

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 currently vacant.

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.

Relevant Planning History

H09-0051-86: Fascia sign - approved 06 March 1986

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.

Conservation Officer: No objections.

Anglian Water: This falls outside of the remit for comments by Anglian Water.

South Holland Internal Drainage Board: Having screened the application, 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 as per our Planning and Byelaw Strategy.

Therefore, the Board has no comments to make.

Environmental Protection: We would advise operating times for Sunday of 10-00 to 16-00 in line with adjacent retail units to reduce potential for noise impact on nearby residential properties.

Highways and SUDS Support:

First Response (21 November 2024): Although the applicant has provided some information in the covering Design and Access Statement, we would ask that a simple Transport Assessment is submitted specifically outlining the expected number vehicle trips generated during a typical working day, on a weekly basis and the number of staff for the Highway Authority to fully consider and assess the potential cumulative impact of this proposal upon the existing highway network. Additionally, the applicant needs to advise and provide a detailed site layout drawing showing how safe and suitable access arrangements will be provided from Boston Road to the proposed development site. Currently there are multiple access locations (dropped accesses), one of which is directly in front of the pedestrian crossing on Boston Road and will therefore, be unsuitable being in conflict with pedestrian movements and, the other access is located where the frontage parking provision is proposed.

Second Response (21 January 2025): No objections. This application is to convert the vacant Jewson's Builders Merchant site into a drive through hand car wash with minimal external changes. There are 5no. parking spaces to the frontage of the site which will be removed to accommodate the new in/out access arrangements and provide 8no. parking spaces within the curtilage of the site, to assist with the running of the business. A new drive-in entrance will be created adjacent to the existing gate by demolishing the frontage wall forming an in-out system. Additionally, in order to formalise the access, the existing vehicle access will be widened to allow the passage of two-way vehicular movements. The other existing access located directly in front of the pedestrian crossing will be closed off with bollards preventing vehicular access at this location. Hours of operation will be between 8:30am-6:00pm (Monday-Saturday) and 9:00am-5:00pm (Sunday and Bank Holidays). In terms of business operation, it is estimated that the facility will accommodate 12 vehicles per hour staffed by four employees. No conditions are recommended. Highway informatives 03 and 08 are recommended.

Cllr N J Chapman: I think this is an okay use of the space if it's managed efficiently. My main concern is the ongoing problems in this industry of employing illegal workers. If we can address this issue with the applicant, and then it can be overcome, then I would be in favour, however if we can't then I'd object to it.

Cllr S E Hutchinson: Should the use be class E(g)(iii) rather than sui generis, and if so, does the applicant need planning permission as E(g)(iii) would fall under the same class as the site (retail).

Given its located within an existing commercial area, and the car washing activities are contained within and eclosed area, I don't have any immediate concerns regarding impact on residential amenity. However I do note that the applicant has provided very little information on the type of equipment to be used, and the scale of the use, ie how may customers per day. I would like further info on this.

I am however concerned about the impact on the surrounding highway. The applicant has not detailed the expected no. of trip generations for the proposed use, merely stating that they are increasing the parking to 14 spaces, which would imply an intensification of tips to and from the site. I would like to know how many customers they expect a day, and how many will be served at any one time. Also there are currently two dropped curbs adjacent to the site. One towards the Tesco entrance, however this is directly adjacent to a parking space on the site, making it unusable, and one on the pedestrian crossing. The new entrance to the car valeting area will be directly opposite the pedestrian crossing. No details have been provided on how/where cars will enter and exit the site, however the application form states that a new or altered access is proposed. I don't consider it safe or suitable for the access to the site to be on the pedestrian crossing. I would suggest altering the parking layout on the forecourt to enable the access furthest from the crossing to be used, and I would also want some bollards (or similar intervention) to prevent vehicles using the drop curb on the crossing to access the site.

I also note that others have raised concern about the use of illegal workers, however this is not a material planning consideration.

Holbeach Parish Council: The site could be better used for a retail outlet, traffic volumes and surface water drainage.

Cllr T Carter: No response received.

Holbeach and District Civil Society: No response received.

Conservation Assistant (Tree Preservation): No response received.

Ecology Officer: 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, no letters of representation have been received.

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; 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 the site from retail to a hand car wash. The proposed use would therefore remain a commercial use and would provide employment.

Firstly, it is recognised that Councillor Hutchinson has queried if the proposed use would fall under the sui generis use class or use class E(g)(iii) which is 'any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. Councillor Hutchinson has therefore queried whether the proposal requires permission for a change of use as it could fall under the same use class as the site already has already been operating as (Use Class E). Although some hand car wash businesses would fall under Use Class E, generally these businesses fall under the sui generis use class and it is considered appropriate to consider the proposed hand car wash use as sui generis. This is partly because car wash businesses are not always suitable for residential areas and they can have a detrimental impact on amenity depending on the type of equipment that is used and the intensity of the proposed use. The proposed use has therefore been assessed as sui generis.

The site is within Holbeach Town Centre. Policy 24 sets out that within district centres such as Holbeach, town centre use 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. Part B is the most relevant part of the policy and this 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.

Town centre uses include retail, offices, leisure, entertainment, arts, culture and tourism development, and intensive sport and recreation uses. A hand car wash does not fall within any of these uses, however, it is acknowledged that the site is vacant and the proposed development would bring the site back into use. The supporting policy text, within Paragraph 6.2.7, sets out that a balanced approach to new development in town centres will be undertaken to promote an attractive customer experience. Paragraph 6.2.7 further sets out that 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.

In terms of the above referenced five policy criteria, the proposed development would not result in significant physical changes to the site as the main changes will be the installation of bollards along the site frontage and the alteration to the front elevation. Customers for the proposed hand car wash business would be accessing the site by car rather than by foot, however, it is reasonable to assume that under the previous retail use by Jewsons many customers would have been visiting the site by car also. The proposed use would be open to the public. There are no other hand car wash business next to the site and as such the proposed development is not expected to unbalance the uses within the area. This could be the case if there were already multiple other similar businesses within the area, however this is not the case. The amenity impact of the proposed development is assessed later within this report and it is considered that the impact would be acceptable. For example, there are no residential dwellings next to the site and the proposed use is not expected to generate significant levels of noise or disturbance. Furthermore, the opening hours of the site would be limited by condition to further protect the residential amenity or dwellings within the area. Lastly, the development would be acceptable in terms of highway safety. The proposed development is therefore considered to accord with the policy criteria.

Furthermore, the proposed development would deliver some benefits in terms of employment generation and a small contribution to the local economy. This carries some weight in favour of the proposal.

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.

Physical alterations are proposed to the front (western) elevation of the building within the site. The proposal seeks to change the existing roller shutter door to a window. The visual impact of this is acceptable as the proposed window would be a similar size to the existing window and entrance which is already located on the front elevation. The other elevations would remain unchanged and no additional floorspace is proposed.

The proposed change of use would also alter the character of the site as the site is currently vacant and the proposal would result in vehicles entering and exiting the site more frequently. It is not however considered that the proposed use of the site would generate significantly more trips than the previous retail use of the site.

The proposed development would result in minimal physical alterations. 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 four employees working on the site at any time and the proposed development would result in the use of pressure washers. The applicant has set out that three pressure washers would be used and no generator would be required for the washers. Pressure washers have the potential to generate significant levels of noise, however, the site is not adjacent to any residential dwellings. This therefore reduces the potential for an adverse impact on the amenity of the nearest dwellings. The applicant has clarified that three pressure washers will be used which are likely to be electric plug-in washers, which would not require generators. The council's environmental health team have also not raised concerns with the proposals in terms of noise disturbance. The team have however recommended that the operating hours are restricted to 10am to 4pm on Sundays, in line with adjacent retail units to reduce potential for noise impact on nearby residential properties. The proposed opening hours are 08:30am to 6pm Monday to Saturday and 9am to 5pm on Sundays and bank holidays. It is however considered appropriate to restrict the opening hours on Sundays as suggested by environmental health. The reduced Sunday opening hours have been discussed and agreed with the applicant's agent.

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.

As set out previously, the site layout was amended during the determination to address issues that were raised by Lincolnshire County Council's highways team. Within the amended layout, eight parking spaces are proposed to serve the proposed development. One vehicular access is proposed from Boston Road. Bollards are proposed next to an existing pedestrian crossing where there is a dropped kerb to ensure customers will not exit the site this way. A highways technical note was also submitted setting out information such as the anticipated number of trips throughout the proposed operating hours. The highways team have reviewed the amended information and have confirmed they have no objections subject to informatives. Although the highways team have not recommended any conditions, it is considered appropriate to secure further details of the proposed bollards by condition, and to ensure the bollards are installed prior to the first use of the development.

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

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. One of these exemptions is if the proposed development is below the de minimis threshold, by impacting less than 25sqm of non-priority onsite habitat and less than 5m of non-priority onsite linear habitats. It is considered that the development would be below the de minimis threshold. Notwithstanding this, bat and bird boxes are proposed to be installed and it is considered appropriate to secure the installation of these boxes by condition. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Other Matters

It is noted that Councillor Chapman has set out concerns with the potential for the proposed use to result in the employment of illegal workers. However, this is not a material planning consideration and as such the local planning authority is not able to take this into account in terms of the determination of the application.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps.

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

Within the South East Lincolnshire Strategic Flood Risk Assessment, 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.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 24, 28 and 36 of the Local Plan, as well as Sections 9 and 12 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.

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.