

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1041-25 **Applicant:** Mr S Hassan

Proposal: Change of use part of existing Car Wash into Car Wash and Tyre Fitters (Sui Generis Use) (Retrospective)

Location: Jewson Ltd Boston Road South Holbeach

Terminal Date: 18th December 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
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 7 - Ensuring the vitality of town centres
 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	4	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 car wash and tyre fitting facility (sui generis use). Although the application form indicates that the use has not yet started, this is incorrect as the application is retrospective and the use has started.

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. The building is now used as a hand car wash site and a tyre fitting facility. Planning permission has also been granted for a hot food takeaway within the site; however, this appears not to have been implemented.

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

H09-0563-25: (Full Application) 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 - approved 22 August 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.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant proposes to discharge surface water to a sewer, which is

the least sustainable method of surface water disposal within the drainage hierarchy. I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

Byelaw 3 (Treated Foul Water): I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Conservation Officer: We have no objection to this proposal on heritage grounds. Though the site lies adjacent to the conservation area, there are no external alterations to the building. Therefore, the proposal will not have an impact on the Conservation Area.

Lincolnshire County Council: Highways and SUDS Support: No objections. The proposal is for Change of use part of existing car wash into car wash and tyre fitters (Sui Generis Use) (Retrospective) where 19no. car parking spaces are show which are sufficient for the car wash and tyre fitting business uses and therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk.

Environmental Protection: Operating hours have not been provided in the application Due to the Noise characteristics of tyre fitting working hours should not extend beyond 07:00-22:00.

Cllr N J Chapman: This will fit in with the carwash business already in place, so happy to support the proposals.

Holbeach Parish Council: No response received.

Conservation Assistant (Tree Preservation): 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, 4 representations have been received. The following matters are raised within the representations:

- The application form is incorrect. For example, the form sets out that the work / change of use has not already started when it has. The form sets out that there are no existing employees within the site when there are. The form sets out that no hazardous substances are to be used; however, there are there are hazardous substances used.
- Another business in the same road as two others (tyre fitters) is not in the interests of the community.
- The application form sets out that no industrial or commercial processes are proposed; however, this is incorrect as the business will require compressors and machinery.
- The application form sets out that no hazardous substances will be used; however, this is incorrect.
- The document BST34/24/01 Existing Site Plan, Ground Floor Plan is incorrect . The traffic flow is currently through the building and out through the front area which is the proposed Tyre bay entrance and exit

- The new proposed route for the car wash queue, blocks car parking for the restaurant and tyre bay parking during busy times, and likely to extend out onto the road. I have concerns for pedestrians from the restaurant.
- There appears to be no defined waiting area or office location partitioned within the proposed tyre bay.
- The 3 business areas will share staff toilet facilities.
- There would also appear to be a potential fire risk from the tyre bay with only one escape route - the entry and exit.
- The Design and Access Statement shows pictures of car parking including surrounding businesses which is misleading. The statement says " - by providing a new business and service provider within the locality. The introduction of a new business would in turn also provide the employment of extra staff from the community".
- The application form sets out that there is no need to dispose of trade effluents; however, this is incorrect.
- Existing signage and paint colours do not enhance the amenity of the area.
- The company operating within the site has no liability insurance.
- There have been visits from Trading standards and the police on numerous occasions and yet the council is still allowing the company to trade.

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 site to a tyre fitting business. The site is currently operating as a car wash business and planning permission has been granted for part of the site to be used as a restaurant and hot food take away.

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 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 the following criteria:

- 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, parts 1 and 2 are not considered to be particularly relevant in this case as customers will need to transport vehicles to the site to use the tyre fitting service. However, if permission H09-0563-25 is implemented, the restaurant / hot food takeaway could generate a reasonable level of footfall. The tyre fitting service is open to the public, which accords with part 2. The proposed tyre fitting service would only be within part of the site and it is considered that the use would not be out of keeping with the existing car wash use. As such, it is considered that there would be an appropriate balance of uses within the site and within the area. As set out later within this assessment, it is not considered that the tyre fitting service would generate significant levels of noise or disturbance and the proposed opening hours can be controlled via a planning condition. The council's environmental protection team have not raised objections to the proposals in terms of noise generation and the site is not adjacent to any dwellings. As such, it is considered that the proposal would achieve an acceptable level of amenity. A refuse storage area is proposed within the site to manage waste. Lastly, Lincolnshire County Council's highways team have not raised objections to the proposals in terms of highway safety and it is considered that an appropriate number of parking spaces would be provided within the site.

Although the proposed development does not strictly accord with Policy 24 as the use is not specifically identified as a town centre use, on balance, it is considered that the proposed tyre fitting service would be in keeping with the existing use as a hand car wash. The proposed development also otherwise complies with Policy 24 (Part B). Therefore, it is 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.

No external changes are proposed other than those approved under permission H09-0590-24 and H09-0563-25. As such, the visual impact of any external changes has already been found to be acceptable. Therefore, the proposal would not cause an adverse impact to the character or appearance of the area in accordance 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.

The council's environmental health team have also not raised concerns with the proposals in terms of noise disturbance. Whilst the proposed use would involve some machinery and equipment, it is not considered that this would result in an adverse degree of disturbance to nearby dwellings. There are also no dwellings next to the site.

As set out previously, the team have recommended that the operating hours are limited to 7am to 10pm. The proposed opening hours are not specified within the submitted application form; however, it is considered appropriate to limit the opening hours to the below referenced hours, as this would be consistent with the approved hours from planning permission H09-0590-24 which granted consent for the car wash business:

-08:30 to 18:00 Monday to Saturday; and
-10:00 to 16:00 on Sundays and Bank Holidays.

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.

The site layout remains unchanged from the approved layout under permission H09-0563-25. 19 parking spaces are shown throughout the site. These spaces are proposed to accommodate the car wash business, the tyre fitting business and the hot food takeaway within the site. Lincolnshire County Council's highways team have not raised any objections to the proposed number of parking spaces. The access arrangements will also remain unchanged.

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 as no external changes are proposed.

Therefore, the proposed development is not likely to increase the risk of flooding within the site and the development 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.