DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H12-0411-19**	**Applicant:**	**Mr D Hagen - Dave Hagen Tyre Services Ltd**
Proposal:	Use of former domestic shed for storage of tyres in relation to 'Tyre Services Business' - retrospective		
Location:	51 Leamlands Lane Lutton Marsh Spalding		
Terminal Date:	12th July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 9, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Retrospective planning permission is sought for use of a former domestic shed for the storage of tyres in relation to a tyre services business.

Site Description

The building is located at the rear of No. 51 Leamlands Lane, which is a semi-detached house. A semi is located to the north (no. 50) and a former granary building beyond.

Site History

None relevant to this application

Representations

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environmental Protection - No comments.

Public - Resident objection received (main points summarised):

Lane very narrow; HGVs block road; 1.8m fencing restricts visibility at entrance; Tyres also stored behind the 1.8m fence in the drive; safety hazard.

Information from Applicant's agent:

Our client operates a mobile tyre repair/fitting service, which has been an ongoing concern for the past circa 10 years. Our client moved to the current address approx. 2-3 years ago. The business operates from the van, but requires a storage building for a small number of regular sized tyres for emergency situations, etc. The business operates on a 'call-out' basis, particularly towards regular HGV and business clients.

The process of the business operation is such that when 'Dave Hagen Tyre Services Ltd' receives a call out, the specific tyre is sourced via a third party if not in stock, or our client will take the relevant tyre from the shed.

Material Considerations

The main issues in this case are:
- Principle/sustainability;
- Character/Appearance;
- Amenity and public safety issues;
- Highway safety;
- Other material considerations such as flood risk.

Principle

Policy 7 of the South East Lincolnshire Local Plan, 2019 indicates that new employment development 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.

The proposal is not wholly in accordance with the above policy. However, the National Planning Policy Framework, 2019 supports sustainable economic development and growth. Paragraph 83 indicates that LPAs should support the sustainable growth and expansion of all types of business in rural areas. In this case, the proposal is small scale and helps promotes a small business. There is

therefore a presumption in favour providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Character/appearance and Amenity

The building has the appearance of a small garden shed. Its presence does not materially harm the existing character or appearance of the countryside.

Amenity
The nearest residential property is a semi-detached house immediately to the north. The nature of the use is such that comings and goings and general activity upon the site would generally be low key. It is considered that there is not sufficient reason to refuse the application on grounds that it would harm the amenity of neighbouring residents in terms of noise and disturbance, lack of privacy, etc.
The shed is used solely for the storage of tyres so fire risk is minimised. The scale of the proposed use is such that there is not sufficient reason to refuse the application on public safety grounds.

Matters such as blockage of view and property devaluation are not material planning considerations and therefore carry no weight.

Highways

Concerns have been raised on grounds that vehicles are parking on and blocking the public highway. In response, the applicant has submitted amended plans showing an area for the parking and turning of vehicles. LCC Highways has been consulted and has raised no objections on highway safety grounds.

Other Material Planning Considerations

Flooding - The site is within Flood Zone 3 on the Environment Agency Maps and in an area identified as "danger for all" within the South East Lincolnshire Strategic Flood Risk Assessment. However, vulnerability would not be increased. The Framework indicates that the sequential test does not apply to changes of use of this nature.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal would help to promote economic growth in a rural area and would not harm the character or appearance of the countryside. LCC Highways have raised no objections on highway safety grounds. Whilst the proposal may have some impact upon the amenity of nearby residents in terms of noise and disturbance, lack of privacy, etc, the level is not considered to be such as to outweigh factors in favour of the proposal and justify refusal. There is not considered to be sufficient reason to resist the application on public safety grounds.