DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0717-24**	**Applicant:**	**Spalding Storage Containers Ltd**
Proposal:	Change of Use from Storage & Distribution to Hand Car Wash (Sui Generis) including Welfare Building & Canopy		
Location:	The Old Gatehouse 117 Wardentree Lane Pinchbeck		
Terminal Date:	16th December 2024		

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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
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	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	2	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the change of use of the small parcel of land to the front of The Old Gatehouse, 117 Wardentree Lane, to a hand carwash, including the erection of associated structures. The site measures approximately 560sqm.

It is proposed that a one way system would be installed, with vehicles driving into the site via the eastern entrance and then parking in front of the canopy (which would measure 10 metres, width, by 5 metres, depth, with a maximum height of 4 metres) for washing. Vehicles would then be moved round to the west before leaving the site. This would result in a maximum of 6 vehicles to be washed, 2 to be jet washed and 2 to be dried at any one time. The hours of operation proposed are 7:30 to 18:30, Monday to Sunday, including bank holidays.

It is proposed that an insulated office/ plant building would be constructed in the centre. This would appear to consist of a repurposed storage container. The office would measure 6.058 metres, by 2.438 metres, with a height of 2.591 metres.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. It is outside, but is surrounded by, the Wardentree Lane employment area outlined within Policy 7 of the SELLP. The site displays a clear industrial character, consistent with the wider area.

The site itself comprises a small parcel of land to the north east of a storage container business. The site appears has previously functioned as the entrance to the wider plot of land. The site is adjacent to and displays a strong relationship to "The Old Gatehouse", a residential property.

Relevant History

H14-0873-15 - Full. Proposed Change of use to storage and distribution (B8) including the erection of 2.4m high steel palisade security fence. Approved 04/01/16.

H14-0771-23 - Full. Proposed change of use to storage and distribution (B8) including the erection of a 2.4m steel palisade fence. Refused 15/12/23.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

Initial comment, received 18/09/24:

"no observations"

Additional comments, received 23/09/24

"No comments regarding land contamination."

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application"

Pinchbeck Parish Council

"Appropriate for the area."

Highway and Lead Local Flood Authority

Initial comments received 25/09/24:

"The site looks very tight and I have concerns with the impact on Wardentree Lane if vehicles queue and back up into the highway. The vehicle movements associated with the proposal will be a vast increase to those movements associated with its former use. A single point of entry and exit is not acceptable - there would need to be a dedicated dropped crossing for entry and exit clearly delineated, otherwise vehicles will have to wait within the public highway which could also have an impact on vehicles leaving Morrisons. Visibility will need to be demonstrated in accordance with Manual for Street for a 40mph road."

Revised comments, received 11/12/24, following amendment 1:

"The Local Highway Authority are concerned with the queuing capacity and whether the access/egress is of a suitable width. This cannot be mitigated on the public highway, and it is for the applicant to design it into the layout the space required."

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

Evaluation

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and make a positive contribution to local employment.

Where a proposal would involve the creation a new employment use, Policy 1 is supported by Policy 7. As the site is outside of the Wardentree Lane Employment Area outlined in Policy 7, the restriction based upon uses with employment areas should not be applied here. As such, there is no need for additional justification for none "B" uses on the site. In any event, the use would be largely consistent with the wider character of the area, and comparable uses are currently present in the estate.

For the creation of new employment sites, outside of the defined employment areas, Policy 7 states "New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land". The proposal adheres to this point.

Therefore, the proposal is considered to be in accordance with Policy 1 and 7 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 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. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed use of the site is broadly in keeping with the industrial character of the area. A car wash is present near to Morrisons already, naturalising the proposal to a certain extent.

The proposed buildings are utilitarian in nature and are not aesthetically pleasing. However, as an

industrial area, the weight attributed to visual character is somewhat reduced. The proposal would not harm the character of the area via these developments.

However, as outlined above, Paragraph 135a states that all planning decisions should ensure that development "will function well". As outlined previously, the site is small and within a relatively sensitive area of Wardentree Lane. The tight turn axis and overall layout of the site means that it is unlikely to properly function at the scale intended. For instance, the one way system means that users who only want a wash will be forced to wait an extended period of time for having a deeper clean to conclude. This limits the functionality of the development. Furthermore, due to positioning and scale of the site, users will have to stay with the vehicles throughout the process. No parking provisions have been provided to leave and then pick up cars, and equally no waiting room has been provided for customers. The welfare cabin, as it is doubling up as storage space would likely not be suitable as a waiting room, and in any event no indication that this arrangement would occur has been provided. As such, it is considered that the site would fail to function successfully.

While it is not considered the proposal would have a harmful character impact, due to the industrial character of the wider area, it is not considered that the scale of the site nor its internal layout enable the proper function of the intended use at the scale desired. The arrangement proposed is considered to be contrived and unsuitable. The proposal is therefore considered to be contrary to Section 12 of the NPPF.

Impacts Upon Resident 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 SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. These policies are supported by Policy 30 with respect to pollution, including noise pollution.

The site is immediately adjacent "The Old Gatehouse" residential dwelling; however, it is unclear if the dwelling is currently occupied. In any event, the H14-0873-15 tied the house to the wider site, in the attempt to reduce amenity impacts. The opening hours of the proposed business; however, would create some disturbance as it is likely a degree of set up would be required prior to opening.

In any event, the industrial nature of the area means that existing conditions are already relatively poor with respect to residential amenity and noise pollution. As such, the proposal is unlikely to be so detrimental as to significantly exacerbate existing conditions, particularly when the current condition of the dwellinghouse is considered.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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.

The submitted design and access statement includes a short transport assessment. Using an analysis based off of 7 comparable sites in the area, the following figures have been generated:

"The trip generation projections indicate that the development is expected to generate up to 3 two-way vehicle movements during the AM (08:00-09:00) network peak hour, and 9 two-way vehicle movements during the PM (17:00-18:00) network peak hour, and 157 throughout the day. The development peak hour (14:00-15:00) resulted in 10 arrivals and 11 departures (21 two-way trips)"

It should be noted that the "157 trips" is formed from the addition of 78 vehicles arriving and 79 departing, meaning that in essence 79 vehicles use the site in any given day. The maximum number of vehicles projected on site is 11.

The site can accommodate a maximum of 10 vehicles at any one time; however, this figure is solely for customer vehicles. This is of course more than the 11 projected maximum vehicles; however, Paragraph 5.20 of the Design and Access Statement, that there would be a relatively quick turn around of vehicles. This however could not be ensured, and in line with the concerns raised by the Highway Authority, there is a significant risk of vehicle queues within a sensitive portion of Wardentree Lane. While this would not necessarily create such a severe impact as to warrant a refusal under Paragraph 116 of the NPPF, it considered that it would exacerbate concerns regarding the functionality of the site.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. On a site such as this, a case-by-case approach is applied. No parking has been provided for the workers on the site. While the site is within the settlement boundary, it is a significant distance from residential areas, and within an area with no defined public parking. As such, it is considered that insufficient access to the site has been provided for workers, and therefore, the proposal would be contrary to Policy 36 of the SELLP.

The proposal would therefore be unacceptable, including due to a lack of parking, and therefore is considered to be contrary to Policy 36 of the South east Lincolnshire Local Plan (2019).

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall".

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of 0.5 - 1 metre.

Within Annex 3 of the NPP, the site is classified as "less vulnerable". The proposed use is somewhat flexible due to the temporary nature of the construction process and the actual usage of the site. Vehicles could be removed swiftly well before a flood event occurs. As such, the use is considered to be appropriate despite the onsite flood risk.

The proposed development would not exacerbate flood risk on other sites, as no additional sealed surfaces would be created. As such, the proposal is considered to be in accordance with Section 14 in this regard.

Turning to on site drainage, a drainage strategy has been submitted showing the bulk of drainage features will be located along the eastern boundary. Considering this is the location for the washing stations, this is appropriate. The scale of measures proposed appears appropriate given the scale of the use of the site and existing conditions.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that "avoid increased vulnerability to the range of impacts arising from climate change". Paragraph 161 states that "the planning system should support the transition to net zero by 2050 and take full account of all climate impacts".

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system; while Paragraph 193 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

Schedule 7A of the Town and Country Planning Act, inserted by the Environment Act 2021, "makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met". As a result, the grant of any planning permission, bar those excluded from the legislation within Paragraph 17 of Schedule 7A and The Biodiversity Gain Requirements (Exemptions) Regulations 2024, is subject to the condition that "development may not be begun unlessÃ??¢?? a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan". All proposals therefore must demonstrate a Biodiversity Net Gain (BNG) of at least 10%, measured in standard units.

As the site is currently covered with hardstanding, it is considered the proposal would be exempt under the de minimis exemption outlined in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Taking the above into account it is considered that given the details submitted, and those required

by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

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 site is considered to be of insufficient scale to enable the development to function well, with the arrangement and layout resulting in a contrived development poorly suited for the needs of the use. A lack of space may result in congestion due to waiting vehicles. The lack of waiting space and waiting room etc reduces the viability and functionality of the proposal. The proposal therefore is contrary to Paragraph 135 of the NPPF.

No parking provisions have been provided on the site for workers. As a result, there is the potential for increased on road parking within a sensitive portion of Wardentree Lane. The proposal therefore fails to conform to the requirements of Policy 36 of the SELLP.

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 is considered to fail to comply with Policies 2, 3, 33 and 36 of the SELLP, as well as Sections 9 and 12 of the NPPF. The planning balance is therefore against the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.