DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0282-22**	**Applicant:**	**Mr T L Prymus**
Proposal:	Change of use of site from animal/pet supply business to MOT & repair centre (retrospective), recruitment agency and wholesale shop		
Location:	Carfix The Green Spalding		
Terminal Date:	19th May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 6- Building a strong, competitive economy
Section 12- Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking permission for the change of use of the site from an animal/pet supply business to an MOT and repair centre (retrospective), recruitment agency and wholesale shop to the site at Carfix, The Green, Spalding.

Site Description

The site is situated within the defined settlement boundary of Spalding. The site is partly situated within the Spalding Conservation Area and sits just outside of the Spalding Town Centre Boundary. The site consists of two vacant shop fronts along facing onto Westlode Street. To the rear of the site, there is a currently occupied car repair workshop, off license shop and another garage at the rear of the site.

The surrounding area consists of a variety of residential and retail properties. Adjacent to the site, on the other side of the road, is the Spalding Police Station. Several of the buildings within proximity consist of a traditional red facing brick. The car repair shop and garage are built of a variety of materials including red facing brickwork, as well as corrugated steel.

History

H16-0261-85- Approved 07-05-85- Proposed redevelopment of site to form showrooms, workshops, offices toilet accommodation, vehicular parking and display allied to the retail motor trade.

Consultation Responses

Steve Branson, SHDC

No Objections

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission. It is not expected that the proposed uses of this existing commercial site would have an unacceptable impact upon highway safety and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that there is not sufficient cause to withhold or restrict the grant of Consent for this planning application on highway grounds.

Planning Considerations

Policy

The site is located within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (2019) (SELLP). Policy 1 of the Local Plan states that within the settlement boundaries of the Sub Regional Centres, such as Spalding, development will be permitted that supports their roles as Sub Regional Centres. The introduction of new businesses in this location would help support the settlements role as a Sub Regional Centre. There is no objection to the principle of the change of use of the animal/pet supply business to a recruitment agency and wholesale shop within the curtilage of the same site as the proposed MOT and repair workshop.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and

g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

Addressing the above, the site is outside an allocated employment site but is situated within an existing settlement with public transport options. There is an identified need for industrial development within the district. The proposal supports economic growth. It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned, there are no objections in locational terms.

In terms of its relationship to neighbouring land uses, there are residential properties nearby. However, the application is partly retrospective and no complaints/objections have been received. The car garage once operated for a similar purpose, and was able to operate without any significant issue. SHDC Environmental Protection has raised no objections. It is considered that the proposal would not significantly harm the amenity of nearby residents.

There would be no significant affect upon the character/appearance of the area because the proposal involves the re-use of existing buildings and no external alterations are proposed.

Access to the site is via the road of The Green. Lincolnshire County Council (as Highway Authority) has been consulted and has concluded that the proposed change of use would not be expected to have an unacceptable impact upon highway safety.

As such, the proposal is considered to satisfactorily comply with Policy 7 of the SELLP.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision for certain non-residential uses (gross floor space). The gross floor space of Unit 47 which is a B2 use is 317m2, which would require approx. 5 car spaces. The gross floor space of Unit 46 which was formerly use class A2 (now under use class E) is 146m2. There are no parking standards for this within the Local Plan. The gross floor space of Unit 45 which formerly fell under use class A1 (now under use class E) is 176m2, which would require approx. 9 car spaces.

Lincolnshire County Council commented that provided the tenancy of unit 47 includes sufficient space for customer and staff car parking then it is not expected that the proposed uses of this existing commercial site would have an unacceptable impact upon highway safety.

The applicant has confirmed that there will be approximately 4 car spaces per business, plus an area for holding cars at the rear of the site. Whilst this is less than is required by the Local Plan's parking standards, the site is close to the town centre, with public transport available and people could access the site by foot, as well as public parking available on the opposite side of Westlode Street.

On balance, it is considered that the parking arrangements on site and in the vicinity and acceptable.

Planning Balance

The site is outside an allocated employment site but is within an existing settlement with public transport options. There is an identified need for industrial development within the district. The businesses would ultimately serve the needs of the local area and contribute to the local economy, as well as creating jobs. It is considered that the change of use of the existing units would not have a significant adverse impact upon the viability of delivering any allocated employment site. Moreover, the proposal is acceptable on highway grounds and no objections have been received from local residents.

The proposal therefore generally accords with Policies 1, 2, 3, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the economic benefits.

Conclusion

The recommendation is for a delegated approval.

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.