

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H16-0748-19      **Applicant:** G H Myers Ltd

**Proposal:** Change of use to classic car storage and restoration (B2/B8) (retrospective)

**Location:** Unit 3 Stumps Lane Spalding Lincs

**Terminal Date:** 26th September 2019

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

#### National Guidance

#### National Planning Policy Framework 2019

Section 12. Achieving well-designed places

### Representations:

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

### CASE OFFICER ASSESSMENT

#### Proposal

This planning application seeks retrospective permission for change of use to classic car storage and restoration (B2/B8) at Unit 3, Stumps Lane, Spalding.

#### Site Description

The application site is set back from Stumps Lane which runs to the north. The access to the site is via Ash Tree Lane which comes off from Stumps Lane, runs along the western side of the building on the application site to the rear to serve access to the dwelling known as Hatfield. There is another residential property (Ashtree Cottage) off this narrow road. The unit in question is a former agricultural store surrounded by hardstanding with tall mature trees along the western and eastern boundaries. The area is mainly characterised by industrial type units. Harkeen Ltd Recycling is a waste management company which is located on land adjacent to the east. There is access through the front yard.

## **History**

None.

## **Consultation Responses**

### Lincolnshire County Council Highways/Lead Local Flood Authority

No objection.

### SHDC Environmental Protection

No objection.

## **Planning Considerations**

### Principle of development

The site is located outside of the settlement boundary of Spalding as shown in Inset Map 2 of the South East Lincolnshire Local Plan (SELLP), 2019. The site is therefore considered to be located within the countryside. Notwithstanding this, the immediate setting of the application site is characterised by industrial/commercial use. The adjacent area to the south is classified as an Established Employment Site under Policy 7 of the SELLP and further south there is the Springfields Shopping and Festival Gardens. Furthermore, Policy 7 of the Local Plan states that new businesses outside of 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. Given that the current use makes use of previously-developed land and involves the use of a redundant agricultural building it is considered that it is, in principle, acceptable.

### Design and layout

No external alteration would be carried out. The large building has a low gable pitched roof. New corrugated grey green metal cladding is on the front elevation whereas old concrete panels are along the upper side of the western side elevation. Overall the state of the building is appropriate to carry out the car repair activity.

Two large roller doors are the main access to the building. There would be sufficient width for the cars to enter and egress the building.

The maximum number of cars parked inside would be 20. The internal floorspace of the unit would approximately amount to 600 square metres. The internal layout would be acceptable given the scale of the business.

### Highway safety and parking provision

The site access is sufficiently wide for the additional cars on the site associated with the change of use. 5 no. car parking spaces are provided on the front yard. The parking area might be shared with Harkeen Ltd Recycling staff. However, there would be one part-time employee for the car repairs and this would not add significant pressure to the existing parking provision. No objection has been raised by the County Highways Authority.

### Residential amenity

Ashtree Cottage and Hatfield are the nearest residential properties to the car storage and restoration business. The hours of opening are usually from 08.00h to 18.00h Monday to Saturday

and occasional visits on Sunday. The activity has been already carried out prior to the applicant seeking planning permission for over 2 years and no complaints about noise and disturbance have been received so far by the council's Environmental Protection team. No objection has been made in these terms by them. The impact of the usage is considered low. For these reasons, it is not considered that continued use of the site for car storage and restoration would cause any detrimental impact upon the amenity standards of residents nearby.

## **Conclusion**

Taking into account the above, the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

It is therefore recommended to approve this planning application via delegated powers.

## **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.