

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0311-22 **Applicant:** Mr A Stafford

Proposal: Use of building to carry out repairs to motorcycle engines (extended hobby & part time) - retrospective

Location: Fountain Lodge 9 Roman Bank Saracens Head

Terminal Date: 17th June 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective application at Fountain Lodge, 9 Roman Bank, Saracens Head for the use of

a building to carry out repairs to motorcycle engines (extended hobby & part time). The shed has been on site for a number of years and meets permitted development criteria. The proposed usage as part time repair is the sole matter of a retrospective nature. The vast majority of commercial repairs take place at the customer's property, with the applicant primarily using the shed for repairing his son's racing motorbikes.

SITE DESCRIPTION

The location site is within defined settlement limits and the surrounding area is characterised by dwellings of a similar age and varying design. The building is located in Environment Agency Flood Zone 2, and is not subject to increase flood hazard or flood risk on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H23-0112-18

Full - Extensions & Alterations - Approved - 21 March 2018.

CONSULTATION RESPONSES

SHDC - Environmental Protection

"No objection but would suggest that should permission be granted it be made personal to the applicant."

Whaplode Parish Council

Support.

Members of the public - 2

Existing noise from operations.

Not suitable in a residential area.

The applicant's brother is on the Parish Council - This is not a matter of material planning weight. Has a van parked outside the front of the property with his business livery on it - Planning permission is not required on any vehicle.

PLANNING CONSIDERATIONS

Principle of development

Planning permission is not required for somebody to undertake work on their own vehicle within a residential setting. The scale of the use as described in the submitted information is not considered to be of a scale and frequency that would materially impact the character and amenity of the surrounding area.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the building is considered to be acceptable for the repair of motorcycles. No trees have been removed to facilitate this proposal. The proposed use will be predominately within the existing building so there is not considered to be a material impact on the character and appearance of the area.
2. The design and orientation of the building is not a material planning matter as it complies with permitted development requirements.
3. The external construction material of the building is timber which is in keeping with other curtilage sheds in the area.
4. The shed can be accessed via an access off Orchard Close at the rear boundary. There is not considered to be a material increase in vehicular movements as a result of the amount of repairs

taking place on site.

5. The capacity of existing community services and infrastructure is not materially impacted by the proposed use.

6. The majority of works will take place with the building which is also soundproofed so there is not considered to be a material noise, odour or disturbance impact if the building is used considerably during normally working hours. There is not considered to be a visual intrusion impact as the building is within permitted development criteria and works will be taking place inside the building.

7. The building is located in Environment Agency Flood Zone 2, and is not subject to increase flood hazard or flood risk on the 2115 South Holland Strategic Flood Risk Mapping. The building is not for habitable use and finished floor levels will not be raised.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by the proposal due to the works taking place in an existing building. The size, scale and layout of the building is considered to be acceptable for the repair of motorcycles. No trees have been removed to facilitate this proposal. The proposed use will be predominately within the existing building so there is not considered to be a material impact on the character and appearance of the area.

5. Adequate space remains on site for cycle and bin storage. There is not a change in off road parking provision, and there is not considered to be a material increase in vehicular movements as a result of the amount of repairs taking place on site.

11. The majority of works will take place with the building which is also soundproofed so there is not considered to be a material noise, odour or disturbance impact if the building is used considerably during normally working hours. There is not considered to be a visual intrusion impact as the building is within permitted development criteria and works will be taking place inside the building.

12. The building is located in Environment Agency Flood Zone 2, and is not subject to increase flood hazard or flood risk on the 2115 South Holland Strategic Flood Risk Mapping. The building is not for habitable use and finished floor levels will not be raised.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will

not be considered favourably unless the land is, or can be made, suitable for the proposed use.

When assessed against the above relevant criteria the following can be observed:

1. The health and safety of the public is not considered to be material impacted as the majority of the business will take place at customer's homes or occasionally at the applicant's property.
2. The amenities of the area are not considered to be materially impacted as the building is behind a fence and has internal soundproofing.
4. There is not considered to be a material difference in air quality given that there are a number of vehicles powered by petrol or diesel in the vicinity.
5. Noise will be dampened by the soundproofing within the building and the applicant only working during socially acceptable hours.
11. There is not considered to be a material difference in air quality given that there are a number of vehicles powered by petrol or diesel in the vicinity.

The Environmental Protection Officer has no objections to the submitted details and requests that the applicant is given personal permission for the business operation in this building.

This application is considered to accord with SELLP Policy 30.

PLANNING BALANCE

There is not considered to be a material impact on the character or amenity of the site or area as a result of the occasional business use and operations predominately taking place in a soundproofed building. This application accords with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.