

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0315-21 **Applicant:** Mr & Mrs Sleight
Proposal: Conversion of domestic garage to display showroom including customer parking and external display area (part retrospective).
Location: Linden House 132 High Road Whaplode
Terminal Date: 28th May 2021

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
24	The Retail Hierarchy
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 7, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the conversion of a previously approved triple domestic garage (ref. H23-0192-16) to a showroom for the display of Jacuzzi hot tubs, swim-spas, saunas, etc, including customer parking and external display area (see information from applicant).

Site Description

The site is located on the eastern fringe of Whaplode and is currently occupied by a single dwelling. Vehicular access to the site is via an existing gated access off a layby associated with High Road.

A bungalow (no. 134 High Road) is situated to the west and agricultural land to the east.

Planning History

H23-0191-16 - Full - Proposed pool house incorporating self-contained annexe - Granted 11 April 2016

H23-0192-16 - Full - Extension and alterations - Granted 4 April 2016

Consultation Responses

Whaplode Parish Council

Lincs Highways need to be aware and comment re: potential road movement implications.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection (Contamination)

No comments or objections.

Public

No objections or comments received.

Information from Applicant's Agent (summarised)

This application seeks approval for the Applicants to relocate an established business from locally rented premises to their own residence on the outskirts of Whaplode. The property has only one adjacent neighbour and has good vehicular access from a layby parallel to the High Road, A151. The proposal involves no additional building works as the showroom / display area would occupy a triple garage extension that formed part of major extension works to the dwelling as granted planning permission in 2016 under SHDC ref H23-0192-16.

The Applicants have successfully operated their business, Lincolnshire Pools and Spas Limited, for almost 5 years and are currently the only authorised dealers in Lincolnshire for the Jacuzzi range of products. In common with many leisure industry businesses the pandemic has had a dramatic effect on the business and has led the Applicants to review their business strategy and look at ways of remaining competitive and sustainable.

The opportunity to operate the business from their own premises will reduce overheads of renting premises and provide greater direct control of the financial and customer service elements of the business. The nature of the business is such that customers will only visit the showroom by prior appointment where they will be able to park their vehicle within the site. The appointments are for viewing of the product range and do not involve the customers collecting hot tubs from the

premises.

The business already has an established online service whereby customers can purchase consumables without visiting the premises.

Planning Considerations

The main issues are:

- Policy/principle;
- Character and amenity, including the effect of the development upon the setting of nearby listed buildings;
- Other material considerations, including flood risk and refuse disposal.

Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Minor Service Centres, including Whaplode, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Section 6 of the National Planning Policy Framework, 2019, indicates that significant weight should be placed on the need to support economic growth and support local business needs. Planning policies and decisions should promote the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

In this case the proposal involves the conversion of a triple garage block. It is small scale and would enable a local established business to operate more efficiently on their own premises and remain competitive. It is within the defined settlement limit. It is also on a major road network (A151) and bus route. It is a sustainable location for the proposed use. No objections are therefore raised in principle.

Character/appearance

The proposal involves the alteration of a previously approved triple garage (ref. H23-0192-16) projecting out from the front of the property. The openings would be revised, including a new door on the front elevation. The building is considered acceptable in terms of design and would not materially harm the character/appearance of the house or locality. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Amenity

The nearest residential property is a bungalow (no. 134 High Road) to the west. Agricultural land is situated to the east.

The building is designed with its openings facing east towards the yard area and south towards the road. It would form a barrier between the neighbouring bungalow to the west and any activity within the front yard area.

Moreover, activity associated with the business would be low key and ambient noise levels within the locality are relatively high due to the proximity to the A151. The supporting statement indicates that nature of the business is such that customers would only visit the showroom by prior appointment where they would be able to park their vehicle within the site. The appointments would be for viewing of the product range and do not involve the customers collecting hot tubs from the premises. The business already has an established online service whereby customers can purchase consumables without visiting the premises.

It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The

proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP in terms of amenity.

Highway safety/parking

Sufficient on-site parking is available for use. The layby could also be utilised as overspill parking if necessary. LCC Highways consider that provided visitors were managed by appointment only, the proposed change of use of the garage at this property to a display area would not be expected to have an unacceptable impact upon highway safety and therefore, does not wish to object to this planning application.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking issues.

Flood Risk/Drainage

The site is within Flood Zone 1 on the Environment Agency Maps and an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. There are therefore no flood risk issues in this case.

Facilities for the disposal of foul and surface water would remain as existing.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal involves the conversion of a triple domestic garage block. The business is small scale and would enable a local established business to operate more efficiently on their own premises and remain competitive. It is within the defined settlement limit. It is also on a major road network (A151) and bus route. It is a sustainable location for the proposed use. No objections are therefore raised in principle.

The proposal would not materially harm the character/appearance of the locality or amenity of nearby residents. LCC Highways have raised no objections on highway safety grounds and there are no flood risk issues in this case.

The proposal generally accords with Policies 1, 2, 3, 24 and 29 of the South East Lincolnshire Local Plan, 2019. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the benefits.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved.