DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0708-19**	**Applicant:**	**Peachtree Services Ltd**
Proposal:	Change of use from garden centre (A1) to mixed (B1 & B8 uses) and associated building operations, car parking and infrastructure.		
Location:	Wyvale Garden Centres Ltd Postland Road Crowland		
Terminal Date:	12th September 2019		

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	0	2
RESIDENTS	2	1	0	2

CASE OFFICER ASSESSMENT

Proposal

Change of use from garden centre (A1) to mixed (B1 & B8 uses) and associated building operations, car parking and infrastructure.

The proposed development involves the following:
- The demolition of certain sections of the building and external compounds (indicated on the existing and proposed site plans).
- A change of use of the building to mixed B1 and B8 uses. The proposed site plan indicates how it is proposed to partition the internal spaces of the building into 8 individual units (the size and precise internal arrangements have not been confirmed at this stage)
- Alterations to the exterior of the building, including new high doors, glazing sections and escape doors (these are indicated on the proposed plans and elevations).
- Alterations to the external goods yards and parking areas, to provide loading spaces for deliveries, car parking (a total of 166 spaces, which includes 6 electric charging bays and 10 disabled parking bays), cycle storage areas (for a total of 60 bicycles) a new site road layout with pedestrian paths and crossing points.
-External bin storage areas.

Site Description

The application site consists of the former Wyevale Garden Centre which closed in May of this year. The site is previously developed brownfield land and shares access from Postland Road with an existing caravan and camping business.

The site is of some 2.28 hectares, accommodating the former garden centre building, goods yard and parking.

The built up area of Crowland is located to the west of the site, albeit there is a separation distance of approximately 130m from the nearest residential areas.

Further to the north, east and south of the site boundary lies open countryside, although mature vegetation surrounds the site boundaries and as such there is limited intervisibility between the site and views from the countryside beyond.

The site in its entirety falls within a flood zone 3, with a high probability of sea or river flooding (this is defined as land having a 1 in 100 or greater annual probability of river flooding; or land having a 1

in 200 or greater annual probability of sea flooding).

The site is located just outside of the settlement boundary, located west of the access point. It lies within a mineral safeguarding area for sand and gravel and also there is a housing allocation (Cro050) located approximately 140m to the west of the site.

History

H02-0133-05. Erection of a conservatory display area. Approved 15-04-05.
H02-0646-03. Vary Condition 2 of H02/0218/01, as modified under reference H02/0413/02, to vary the range of goods sold within the application site. Approved. 21-09-04
H02-0599-03 Plant shade to protect small and vulnerable plants - retrospective. Approved. 01-07-03.
H02-0564-03 Plant shade within plant sales area - retrospective. Approved 01-07-03.
H02-0413-02. Modification of condition 2 of H02/0218/01 to allow for the sale of pets, pet products and pet foods. Approved 30-07-02.
H02-0218-01. Change of use to Garden Centre & use of 2 buildings for B1 (Business). Approved 10-07-01.

Consultation Responses

Crowland Parish Council

The Parish Council support this application and welcome the opportunity for employment but as part of the project would like to see the developer contribute towards improvements to the junction of Postland Road and James Road ie a mini roundabout.

SHDC Economic & Community Development Officer

No objection.

SHDC Env Health

No objection.

LCC Highways and SUDS

Does not wish to restrict the grant of planning permission.

LCC Historic Environment Officer

This site is located in area of archaeological interest. However the present garden centre building will have caused a degree of disturbance, and the present application involves only minimal ground impact associated with new development mostly within the same footprint. It is therefore unlikely that any meaningful information would be produced from archaeological intervention.

Therefore it is recommended that no archaeological input be required.

Internal Drainage Board

North Level District IDB have no comment to make with regard to this application.

Third Parties

One letter of support - Good and better than standing empty for vandals etc.

Objections/comments received raising the following matters:

Potential noise and disturbance
Nature of the proposed businesses is not yet known so could be anything
Don't want such businesses so close to quiet residential areas
The increase of numerous large lorry movement, on a road (old Crowland by-pass) which is un-suitable for large distribution lorries.
Highway danger and the potential for obstruction of emergency vehicles.

The current access to the site is unsuitable for large distribution lorries (turning angle unsuitable). The impact on the local environment from noise & pollution in the area, caused by the increase in large vehicle traffic, which would be generated from changing the use to a 24hrs storage/distribution centre, where A1 usage was mainly a 9 to 5 operation, with light car traffic and one or two delivery lorries a week.
The access road through the site should be kept clear at all times.

Planning Considerations

Principle of development

Given that the site is located outside of the settlement boundary of Crowland, it is designated under Policy 1 of the South East Lincs Local Plan (SELLP) as being in the 'countryside' for planning purposes. This policy states that *in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.*

The authorised use of the site is A1 (Retail) as the property was last used as a garden centre. The size of the site and the built form within the site lends it to being considered as a site that has the potential for employment uses over and above a standard A1 use.

Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) sets the context for employment proposals and the development of land previously used for employment. Specifically, for "other employment" sites such as this,

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 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.

It is considered that in principle the use of the site for B1 and B8 uses would be a good reuse of this site, and would have the potential to provide local employment opportunities. More detailed matters are discussed below.

Neighbouring amenity

Looking at the provisions of Policy 7, which are set out above, it is not considered that the proposal would conflict with neighbouring land uses or the character and appearance of the area. The site is located approximately 130m from the nearest residential areas.

The previous use of the site was unrestricted in terms of hours of operation, and had significant numbers of customers and deliveries seven days a week. It is not considered that the subdivision of the building for smaller B1 and B8 units would lead to an increase in traffic movements over and above the fall back position of the previous use of the site.

In order to protect neighbouring residential amenity a condition to prevent the service yards being used for the overnight operation of internal combustion engine operated vehicle refrigeration motors.

In addition construction management and wheel washing conditions are also proposed.

Character and appearance of the area and local context

The building and site form part of the character of this part of the open countryside, as a point of transition to the settlement of Crowland. The works to the building and the layout matters may actually lead to a visual improvement of the site. The site houses a building that has a tired appearance and the site, when in use, was under utilised.

Traffic impacts

It is not considered that the uses proposed would lead to a significant impact when compared with the fall back position of the previous use of the site. The Highway Officer has looked at the capacity of the nearby junctions and LCC Highways Service raises no objection.

The submitted plans and documents sets out clearly how service and HGV vehicles can enter and leave the site in a forward gear, and sufficient service yard space would be provided within the site.

it is clear that the site can be serviced clear of the public highway. Any matters to do with the shared private access road would be a civil matter.

Impact on viability of delivering any allocated employment site

There is an allocated employment site at Crowland, located in and around Crease Drove/Pinnacle Close. This proposal is materially different to the uses on that allocation and would not impact on delivery.

Modal shift away from the private car

As this application seeks to bring back in to use an outworn site, it is speculative at this point. It is not considered, given the location of the site on the edge of Crowland, that a justification could be made to refuse planning permission on the basis of an identified modal shift. In addition, Crowland is considered to be a Main Service centre in the SELLP, and brining this site back in to use could be considered to be a greater priority, given the potential for local jobs that could be created.

Identified need

This application is speculative, so there is no specific end user proposed, however, as discussed above, the proposal would bring back in to use an outworn site and could lead to local employment generation.

Flooding

The site in its entirety falls within a flood zone , however no changes are bring made to overall site levels, and no vulnerable uses would be introduced.

Conclusion

In the light of the matters set out above, it is recommended that planning permission be granted.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.