DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0741-22**	**Applicant:**	**Halcyon Nominees Ltd & Halcyon Nominees No 2 Ltd.**
Proposal:	Change of use from garden centre (use class E) and the sale of caravans and related paraphernalia (use class sui generis) to a mixed use car sales (use class sui generis) and vehicle repairs and MOT service (use class B2).		
Location:	Wyvale Garden Centres Ltd Postland Road Crowland		
Terminal Date:	7th October 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

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Wyvale Garden Centres Ltd, Postland Road, Crowland for change of use from garden centre (use class E) and the sale of caravans and related paraphernalia (use class sui generis) to a mixed use car sales (use class sui generis) and vehicle repairs and MOT service (use class B2).

No building operations are proposed and this application seeks a change of use of the existing buildings on site. The proposal seeks to provide vehicle repairs and a bodyshop within the existing Crowland Caravans buildings. Vehicle storage will be provided in the existing caravan storage area to the west of the buildings. The showroom offices and forecourt will be sited inside and around the former garden centre building.

SITE DESCRIPTION

The proposal is outside of defined settlement limits and the land to the north is grassed and used for caravan and camping purposes. The land to the north-east has an extant outline permission for the erection of up to 6 self-build eco-homes with access from James Road under reference H02-0669-19 that elapses on 03 April 2023. The land to the east is populated by trees and ponds, with arable fields. To the south of the site beyond the garden centre is James Road with the dwellings on Postland Road and Girdlestone Walk to the south west, close to where the existing access for the site is located. The site is in Environment Agency Flood Zone 3, subject to a maximum 'Danger for All' flood hazard with a maximum flood depth of 2 metres. As the proposal is not for habitable accommodation there is not a requirement to raise finished floor levels in this location.

RELEVANT HISTORY

H02-0367-08

Full - Proposed offices, workshop and display area - Approved - 05 August 2008

H02-0708-19

Full - Change of use from garden centre (A1) to mixed (B1 & B8 uses) and associated building operations, car parking and infrastructure - Approved - 12 September 2019.

H02-0143-20

Full - Alterations and extensions to building following approval of change of use from garden centre (Use Class A1) to mixed B1 and B8 uses and associated building operations, approved under application reference H02-0708-19 - Approved - 26 March 2020.

H02-0238-21

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Environment Officer

"This site is located in area of archaeological interest. It is close to the area identified as containing the remains of part of an extensive Bronze Age barrow cemetery, high status Roman remains, and the possible early medieval cell of St Guthlac, as well as later medieval buildings to the south of Postland Road in an area known as Anchor Church Hill."

"The latter site is currently subject to a major research excavation led by the University of Sheffield and contains remains of regional or national importance. Cropmarks indicative of buried features of unknown date are also known in the field directly to the east of the former garden centre."

"However, the present garden centre building will have caused a degree of disturbance to any remains on this site, and the present application is understood not to involve any new building work or major groundworks. Therefore it is therefore unlikely that the present work would have any archaeological impact. On this basis it is recommended that no archaeological input be required."

"The developer is advised to consult this office at the earliest opportunity if any future works to redevelop the site that could involve ground greater disturbance are planned."

Lincolnshire County Council - Highways & SUDS Officer

No objections

"The proposed development is simply for a change of use of the existing Garden Centre and Caravan Sales site to car sales and vehicle repair and MOT service with little change to the buildings themselves and no change to the existing access arrangement. The site is ideally located on the edge of settlement and adjacent to the local highway network so that the delivery of sale vehicles on transporters and customers travelling from further afield would not need have to pass through the built-up area of Crowland.

The site is also accessible by the local bus service running between Spalding and Peterborough. The site is not crossed by any Public Rights of Way.

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 the proposed development would not be expected to have an unacceptable impact upon highway safety nor a severe residual cumulative impact upon the capacity of the local highway network nor would it increase surface water flood risk. The Authority therefore does not wish to object to this planning application."

South Holland District Council - Environmental Protection Officer

No objection.

Anglian Water

No objections

Requests a condition stating:

"Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding." - This application is solely for a change of use so this condition will not be added to the decision notice.

Requests a note stating:

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.
Therefore the site layout should take this into account and accommodate those assets within either prospectively
adoptable highways or public open space. If this is not practicable then the sewers will need to be

diverted at the
developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption
agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be
completed before development can commence."

North Level Internal Drainage Board

No objections - Requests further surface water disposal details. This matter can be addressed by condition.

Crowland Parish Council

Objection

Comments not carrying material planning weight

The site can be seen from footpaths and roads.

Comments carrying material planning weight.

Car transporters using the site and surrounding area - They should be banned from travelling through the town centre.
Loss of a right of way - Submitted documents show that there are no rights of way that run through the site. Separate agreements may be in place regarding access but this is outside the remit of the local planning authority.
Storage and disposal or hazardous waste.

Members of the public - 2

Comments not carrying material planning weight

Loss of gas bottle storage for the area.
Crowland Caravans donates to and supports the local community

Comments carrying material planning weight.

Loss of in excess of 12 jobs from Crowland Caravans
Increase in number of jobs on site.
Noise
General disturbance
Traffic
Opening hours not in keeping with a residential area.
Loss of a right of way - Submitted documents show that there are no rights of way that run through the site. Separate agreements may be in place regarding access but this is outside the remit of the local planning authority.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
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.

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

Economic - The proposal will increase the number of jobs on site from approximately 12 to 80 positions. This will help to provide employment in the local area.

Socially - The application will prevent further deterioration of the garden centre building and land and improve security of the existing site.

Environmentally - The proposal will help the environment through the reuse of existing building and the proposal is close to the Spalding to Peterborough bus route. An harmful impacts from fumes or noise would be addressed via the Environmental Protection Officer if and when they should occur.

This application accords with SELLP Policy 1.

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 existing buildings is not being altered. No trees are being removed to facilitate this proposal. There is not considered to be a material impact on the character and amenity of the area as a result of this application.

2. The design and orientation of the buildings remains unaltered.

3. No additional materials are required to facilitate this change of use.

4. The existing access is not being altered. The submitted Transport Statement states that *"Whilst the proposed use does involve vehicle repairs and MOTs, this forms a smaller proportion of the proposed use of the site, with the main function being vehicle sales. The majority of repairs (approximately 70%) are intended to be associated with the restoration of used cars for sale (i.e. an ancillary aspect to the primary sales use) but approximately 30% of repairs are intended to be a service offered to the general public."* The summary of the documents asserts that overall there will be a small decrease in traffic to and from the site. The report supplies surveys to back up this claim. The local planning authority concurs that there will not be a material impact on the highway or the amenity of neighbour from traffic generated by the two proposed uses on site.

5. There is not considered to be a material impact on existing community services and infrastructure. Given the new car sales and repair services being offered there is considered to be a net benefit to existing community services from the proposal.

6. There is not considered to be a material noise, odour or disturbance impact from the proposed car sales and repair use. The repair garage is a considerable distance from the existing dwellings and car transporters will not be in such numbers that material noise and disturbance will occur throughout the day. There is not considered to be a visual intrusion impact from the proposal as there will be no external alterations to the existing buildings on site.

7. The site is in Environment Agency Flood Zone 3, subject to a maximum 'Danger for All' flood hazard with a maximum flood depth of 2 metres. As the proposal is not for habitable accommodation there is not a requirement to raise finished floor levels in this location.

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 this proposal. The size, scale and layout of the existing buildings is not being altered. No trees are being removed to facilitate this proposal. There is not considered to be a material impact on the character and amenity of the area as a result of this application.

4. The submitted transport statement states: *"The nearest bus stops are located approximately 300 metres west of the site on either side of Postland Road, accessible within a 4-minute walk"* This statement is correct and will aid visitors to the site who do not have access to a car.

5. There is ample space on site for bicycle and refuse storage. The existing access is not being

altered. The submitted Transport Statement states that *"Whilst the proposed use does involve vehicle repairs and MOTs, this forms a smaller proportion of the proposed use of the site, with the main function being vehicle sales. The majority of repairs (approximately 70%) are intended to be associated with the restoration of used cars for sale (i.e. an ancillary aspect to the primary sales use) but approximately 30% of repairs are intended to be a service offered to the general public."* The summary of the documents asserts that overall there will be a small decrease in traffic to and from the site. The report supplies surveys to back up this claim. The local planning authority concurs that there will not be a material impact on the highway or the amenity of neighbour from traffic generated by the two proposed uses on site.

6. No additional lighting is proposed as part of this proposal.

8. The reuse of the unused garden centre building is considered to improve crime prevention and community safety.

11. There is not considered to be a material noise, odour or disturbance impact from the proposed car sales and repair use. The repair garage is a considerable distance from the existing dwellings and car transporters will not be in such numbers that material noise and disturbance will occur throughout the day. There is not considered to be a visual intrusion impact from the proposal as there will be no external alterations to the existing buildings on site.

12. The site is in Environment Agency Flood Zone 3, subject to a maximum 'Danger for All' flood hazard with a maximum flood depth of 2 metres. As the proposal is not for habitable accommodation there is not a requirement to raise finished floor levels in this location.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio - Other Employment Areas

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

A. The development does not conflict with neighbouring land uses and is sited a good distance from residential properties.
b. The buildings are not being altered so there is not considered to be an adverse impact on the character and appearance of the area.
c. The design is not being altered so the local context is not being impacted.
d. The submitted traffic survey is considered to demonstrate that there will not be a material impact on the local highway network from the proposed vehicular sales and repair uses.
e. The proposal lends itself to the proposed use and is not considered to have any impact on any allocated employment site due to the nature of the proposed use.
f. The proposal site entrance is within 300 metres of bus stops on the Spalding to Peterborough bus route.
g. The proposal is considered to be ideally sited for the proposed use, does not require new development, does not expand into the open countryside and will help to provide employment for the local area.

This application accords with SELLP Policy 7.

PLANNING BALANCE

This proposal seeks a change of use to the site but does not seek to alter or expand the existing buildings. Therefore by virtue of the proposed operations and siting, this application is considered to accord with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 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.