

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0906-22 **Applicant:** J J Premium Cars Ltd.

Proposal: Installation of ducting and extracts to serve vehicle spray painting booths

Location: Wyvale Garden Centres Ltd, Crowland Caravans And Camping Postland Road Crowland

Terminal Date: 11th November 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
30 Pollution

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	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application at Wyvale Garden Centres Ltd, Crowland Caravans and Camping, Postland Road, Crowland for the installation of ducting and extracts to serve vehicle spray painting booths. The proposals are for the installation of six extract chimneys on the roof of the eastern end of the workshop and one single extract to serve a smart repair booth on the western end of the workshop. The purpose of these is to release vapour extracted in the process of spray painting vehicles. The extracts are basic and utilitarian in appearance being galvanised steel helix welded tubing. They vary from approximately 0.5 to up to 4m in height protruding from the roof.

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

Full - Extensions to roof of building, small extension between proposed units and minor alterations following planning approvals H02-0708-19 and H02-0143-20 - Approved - 13 May 2021.

H02-0741-22

Full - 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) - Approved- 05 October 2022.

CONSULTATION RESPONSES

SHDC - Environmental Protection

No objections.

North Level Internal Drainage Board

No comment.

Crowland Parish Council

"Crowland Parish Council leave this to the expertise of the Planning Department"

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout is appropriate for the proposal. No trees will be removed to facilitate this proposal. There will not be a material impact on the character and appearance of the building or the surrounding area.
2. The design and orientation of ducting and extract best serves the needs of the spray painting operation.
3. The proposed materials are considered to be appropriate for the site.
4. The existing access and vehicle generation levels are not affected by the proposal.
5. The capacity of existing community services and infrastructure is not impact by this proposal.
6. There is not a noise, odour, disturbance or visual intrusion impact from the proposal. The submitted planning statement states *"The accompanying "Particulate and Solvent Release Guidance for Cyclone Booth" document by the suppliers, Spraybooth Technology Limited explains that the extracts expel mainly water vapour with negligible particulate release. The extracts also have filters fitted and the technology complies with BS EN 13355. Being low levels of water vapour release there will be no material impact in terms of air quality or odour in close proximity to the extracts, nor upon the nearest residential areas, which are approx. 50m west of the site and accordingly there is no conflict with SE Lincs Local Plan policy 30 (pollution)."*
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. The size, scale and layout is appropriate for the proposal. No trees will be removed to facilitate this proposal. There will not be a material impact on the character and appearance of the building or the surrounding area. A sense of place will not be impacted by the proposal.
11. There is not a noise, odour, disturbance or visual intrusion impact from the proposal. The submitted planning statement states *"The accompanying "Particulate and Solvent Release Guidance for Cyclone Booth" document by the suppliers, Spraybooth Technology Limited explains that the extracts expel mainly water vapour with negligible particulate release. The extracts also have filters fitted and the technology complies with BS EN 13355. Being low levels of water vapour release there will be no material impact in terms of air quality or odour in close proximity to the extracts, nor upon the nearest residential areas, which are approx. 50m west of the site and accordingly there is no conflict with SE Lincs Local Plan policy 30 (pollution)."*
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 significantly 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. There will not be a material impact on the local highway network from the proposed vehicle spraying ducts.

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.

Assessment against SELLP Policy 30 - Pollution

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

There is not a noise, odour, disturbance or visual intrusion impact from the proposal. The submitted planning statement states *"The accompanying "Particulate and Solvent Release Guidance for Cyclone Booth" document by the suppliers, Spraybooth Technology Limited explains that the extracts expel mainly water vapour with negligible particulate release. The extracts also have filters fitted and the technology complies with BS EN 13355. Being low levels of water vapour release there will be no material impact in terms of air quality or odour in close proximity to the extracts, nor upon the nearest residential areas, which are approx. 50m west of the site and accordingly there is no conflict with SE Lincs Local Plan policy 30 (pollution)."*

This application accords with SELLP Policy 30.

PLANNING BALANCE

The proposed vehicle spray ducting and extracts are sited a significant distance from neighbouring properties and will only expel water vapour. As such there is not considered to be a material impact on the character or amenity of the surrounding area. This application accords with Policies 1, 2, 3, 7 and 30 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.