

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 16 January 2019

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H16-1213-18

Application Number: H16-1213-18

Date Received: 05 December 2018

Application Type: FULL

Description: Part Change of Use from B1 to D1

Location: Short Street Depot Unit B Short Street Short Street

Applicant: Mrs J Wheelhouse

Agent: Mrs Rachael Hunns

Ward: Spalding St Johns

Ward Councillors: Cllr G K Dark
Cllr J D McLean

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1213-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The agent is an employee of South Holland District Council and the application site is owned by the Council.

2.0 PROPOSAL

2.1 This is a full planning application for a part change of use of Unit B at South Holland District Council's Short Street Depot (Spalding) from Use Class B1 (Business) to Use Class D1 (Non-residential institution).

2.2 The unit was previously occupied by the Council's Construction Services Unit who occupied both the office accommodation and storage facilities. This application seeks permission for a change of use of the office accommodation to D1 for a Family Contact Centre. This is a service that offers safe and supervised contact for children and their birth parents. The storage facility would be retained by the Council.

2.3 The opening hours would be 09:00 to 18:00 Monday to Thursday, 09:00 to 17:00 Fridays and 09:00 to 12:00 Saturdays.

3.0 SITE DESCRIPTION

3.1 Unit B is an industrial type unit which contains both office accommodation and a storage facility. It can be accessed from both Short Street and Victoria Street Car Park (which it is located at the rear of). There are other industrial type units to the south and a builders yard to the rear. There is a new build block of flats to the north which are accessed off Short Street and are almost complete.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 213 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 - General Sustainable Development
SG3 - Settlement Hierarchy
SG14 - Design and Layout of New Development
SG17 - Protection of Residential Amenity

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2018

Paragraph 11 - The presumption in favour of sustainable development
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 LCC Highways/SUDS

6.2 Does not wish to restrict the grant of permission.

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for consideration in this application are:

- Policy
- Impact upon residential amenity
- Impact upon character and appearance of the area
- Parking
- Flood Risk

7.2 Policy

7.3 The site is within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006) and so the proposal would, in principle, be acceptable.

- 7.4 The site does not fall within the Spalding Conservation Area nor is it protected by any town centre development or employment policies in the Local Plan. There would, therefore, be no objections in principle to the loss of an employment use in this location to another use.
- 7.5 Impact upon residential amenity
- 7.6 New residential units are currently being built to the north of the application site off Short Street. Consideration should, therefore, be given to any potential impact the proposed new use might have on the residential amenity of the future occupants of these flats.
- 7.7 The location of the site within the town centre means that generally higher levels of background noise already apply. There is a car park immediately adjacent and a builders yard to the rear which are both existing generators of noise in the immediate vicinity. Furthermore, the proposed new use would likely generate no more noise than the previous use of that part of the building and there should be no privacy issues given how the two buildings relate to one another.
- 7.8 In this context, it is not considered that the proposed new use would have a material adverse impact on the residential amenity of the future occupants of the adjacent flats. The application would, therefore, comply with Local Plan Policy SG17 which seeks to protect residential amenity.
- 7.9 A condition restricting the use of this part of the building solely for a Family Contact Centre is proposed so that any proposed future uses of the building can be assessed by the Council in the interests of residential amenity.
- 7.10 Impact upon character and appearance
- 7.11 The building itself is industrial like in appearance and not the most visually pleasing, however, no external alterations are proposed and so there should be no adverse impact on the character and appearance of the area. It is, therefore, considered that the proposal is in accordance with Policy SG14 of the Local Plan which seeks, amongst other things, to ensure that new development does not have an adverse effect on the character and appearance of the locality.
- 7.12 Parking
- 7.13 The site is centrally located within Spalding Town Centre and so is readily accessible by a range of more sustainable modes of transport (walking, cycling and bus). The proposal would, therefore, be in accordance with Section 9 of the NPPF which seeks to ensure that planning decisions help to promote the use of sustainable modes of transport.
- 7.14 The site is also effectively located within Victoria Street Car Park meaning that there is ample parking available if users of the new service were to travel by car.
- 7.15 Flood Risk
- 7.16 The site is located within Environment Agency Flood Zone 3a and the site is not identified within any hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). In the NPPG Flood Risk Vulnerability Classifications, the proposed use is classed as 'less vulnerable' and the compatibility matrix shows that less vulnerable uses are appropriate in Flood Zone 3a. The proposal is therefore acceptable in flood risk terms.
- 7.17 Conclusion
- There have been no objections to the application and, taking the above into account, it is considered that the proposal is in accordance with Policies SG1, SG14 and SG17 of the South Holland Local Plan (2006), as well as Sections 9 and 12 of the National Planning Policy Framework (2018).

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan;
Block plan; and
Proposed floor plan (entitled 'Appendix A').

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as a family contact centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises/site in the interests of residential amenity.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A

MapThat Scale Print Title

