

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 October 2019

(Author: Polly Harris-Gorf - Principal Planning Officer)

Purpose: To consider Planning Application H02-0794-19

Application Number: H02-0794-19

Date Received: 12 August 2019

Application Type: FULL

Description: Change of use of an existing mixed use employment unit (B1/B2/B8) to mixed use employment unit (B1/B2/B8 and D2) Assembly and Leisure-Dance Studio

Location: Unit 2 Pinnacle Close Crowland

Applicant: South Holland District Council **Agent:** Berrys

Ward: Crowland and Deeping **Ward Councillors:** Cllr B Alcock
Cllr J R Astill
Cllr N H Pepper

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0794-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 South Holland District Council are land owner and applicant for this development.

2.0 PROPOSAL

2.1 Change of use of one existing, vacant, mixed use employment unit (B1/B2/B8) to mixed use employment unit and Assembly and Leisure-Dance Studio (B1/B2/B8 and D2).

2.2 The application states that the local company to be relocated to this unit would employ 2 full-time and 4-part time staff.

3.0 SITE DESCRIPTION

3.1 The application property is a vacant business unit within a Major Employment Area and is identified as a Major Employment Proposal. The land is within Environment Agency Flood Zone 3a (High Probability).

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

02 Development Management

04 Approach to Flood Risk
 07 Improving S E Lincolnshire's Employment Land Portfolio
 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.

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.

4.2 **National Guidance**

4.3 **National Planning Policy Framework (NPPF), 2019**

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

4.4 **Planning Practice Guidance (PPG)**

5.0 **RELEVANT PLANNING HISTORY**

- 5.1 H02-0610-09 - Erect one industrial unit and site one moveable storage container. Approved - 06-11-09.
- 5.2 H02-0031-10 - Erect industrial unit and siting of movable storage container - approved under H02-0610-09. Non-material amendment to add window to south west elevation, alter site approach/entrance, gravel hardstanding instead of macadam paving. Approved - 27-01-10.
- 5.3 H02-0440-09 - Erection of 7 industrial units and associated works. Approved - 10-08-09.
- 5.4 H02-0524-10 - Erection of 7 industrial units and associated works - approved under H02-0440-09. Amendments to surface material in storage areas and window to be added to Unit 1 at first floor level. Approved - 06-07-10.
- 5.5 H02-1034-18 - Proposed portal frame building (B1, B2 and B8), comprising 3 self-contained units (industrial). - Approved 03-12-18.
- 5.6 H02-0493-19. Construction of two further phases of industrial buildings for sub-division into small units. Approved. 04-09-19.

6.0 **REPRESENTATIONS**

6.1 **Crowland Parish Council**

The Parish Council fully support this change of use to provide a facility for the young people of Crowland.

6.2 **SHDC Environmental Health**

No objection.

6.3 LCC Highways and SUDS

Does not wish to restrict the grant of permission.

6.4 Third Parties

One objection has been received, raising the following matters:

- Pinnacle Close is an industrial estate and should be kept as such.
- There are daily deliveries to the estate and the gateway is not large enough as it stands.
- Where would people coming and going from the dance studio park their cars?
- There are only two parking spaces allocated to Unit 2 - how would children be dropped off and collected? This would be dangerous as the children would not be aware of many vehicles in the vicinity.
- Security and hours of opening, including evenings and weekends.
- Will the security gates be kept locked?

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 The issues to consider with regard to this proposal is the principle of changing the use of the building, in the light of planning policies, the impact of the development and flood risk.

7.3 Principle of Development

7.4 The site is specifically allocated within the South East Lincolnshire Local Plan, 2019 (SELLP) as a Major Employment Area and is identified as a Major Employment Proposal. Policy 7 sets out that B1 (office, light industry, research and development), B2 (general industry) and B8 (warehousing and storage) uses are acceptable in this area.

7.5 The current proposal to relocate a local dance studio to this vacant unit would not be in strict accordance with this policy, however, this is to be balanced against the retention of the potential for B type employment uses returning to the unit in the future, and the opportunity to retain a local facility offering dance and exercise to local children, in premises that are still accessible from Crowland.

7.6 A condition is proposed below, to ensure that if the dance studio vacates the building, that it returns to a B1, B2, B8 use.

7.7 Impact of Development

7.8 In terms of scale, the site is capable of accommodating the proposed building and there is sufficient parking and visitor parking to accommodate the staff and pick up/drop off of dance students.

7.9 It is not considered that the use of the unit as a dance studio would impact on the operation of the surrounding units also served from the access.

7.10 A point has been raised regarding the locking of gates and security of the site, but this would be a matter to be controlled via the leasing arrangements, rather than being a planning matter.

7.11 The size of the gateway to the site is not going to be impacted by the drop off and collection of dance students in domestic vehicles. The safety of the children walking to the unit would be covered by the parents dropping off children, who are more than likely to walk children to the door.

7.12 Flood Risk

7.13 The site is within Environment Agency Flood Zone 3, however, the use would not be considered to be such a vulnerable use as residential accommodation. As a precautionary measure, an informative is suggested below, to bring to the attention of the operator that an evacuation plan would be a sensible precaution to put in place.

7.14 **Additional Considerations**

7.15 Public Sector Equality Duty

7.16 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.

7.17 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.18 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.

7.19 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.20 Human Rights

7.21 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).

7.22 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.

8.0 **RECOMMENDATIONS**

8.1 **Grant planning permission, subject to the conditions listed in 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 and documents:
Application form
Planning Statement June 2019
P391-L(2)002D
P391-L(2)006D
- Reason: For the avoidance of doubt and in the interests of proper planning.
3. When the Dance Studio vacates the premises, the use of the unit shall return to B1/B2/B8 use only.
- Reason: In order to retain the unit in the longer term as a B1/B2/B8 use, to support Policy 7 of the South East Lincolnshire Local Plan, 2019.
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>
5. It is suggested that the applicant brings to the attention of any leaseholder or user of the unit that an evacuation plan in the event of the flooding of the site or surrounding land would be a sensible precaution to put in place.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report: Appendix A - Plan A

MapThat Scale Print Title

