DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0945-22**	**Applicant:**	**Sovereign Properties (England) Ltd.**
Proposal:	Proposed change of use from British Legion Club to Child Nursery and Community Hall, with External Alterations		
Location:	The Royal British Legion Chapel Street Crowland		
Terminal Date:	23rd November 2022		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021

Section 6 - Building a strong competitive economy
Section 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,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Change of use from British Legion Club (Use Classes F2 (b) and E) to child nursery and community hall (Use Classes E and F2 (b)) with external alterations.

The appearance of the existing building is proposed to be amended with roof extensions to form gables on the existing rear extensions, the insertion of windows to the west elevation, the insertion of high level office rooflights to the east elevation, a proposed community use entrance on the east elevation, fencing of the area for children's play and insertion of an entrance, and a proposed refuse bin store.

The rear single storey roof gables are to be increased to 5.1m in height from an existing height of 3.1m on the larger section and 3.85m on the smaller section.

The application form indicates hours of use for the nursey to be 07:00 to 18:00 Mondays to Fridays, with no use on Saturdays, Sundays or Bank Holidays.

Site Description

The property is located on the corner of Chapel Street and Broadway, within Crowland, which is considered to be a Main Service Centre within the South East Lincs Local Plan 2019.

The building is recorded in the Lincolnshire Historic Environment Record and can be considered a Non-Designated Heritage Asset in the terminology of the National Planning Policy Framework 2021.

The building is a two storey detached hall, with a single storey additions, and parking from Chapel Street. Outside the building is a bus stop.

The site is not within the conservation area and there are no listed buildings nearby.

History

H02-0305-02. Front and side extensions, new boiler flue & internal alterations. APPROVED. 24-04-02.

H02-1349-01. Re-roofing of Hall and Sports and Social Club. APPROVED. 10-01-02.

H02-1272-21 Change of use from British Legion Club (Use Classes F2(b) and E) to child nursery

and community hall (Use Classes E and F2(b)) with external alterations. The appearance of the existing building is proposed to be amended with the partial removal of a previous single storey element, the inclusion of roof lights to the main building and the fencing of an area for children's play. A first floor level is to be included to provide ancillary office and storage facilities. APPROVED 26-04-22.

Consultation Responses

Crowland Parish Council
Has concerns about the emergency exit onto Chapel Street as there is no footpath

SHDC Conservation Officer
No objection

SHDC Environmental Protection
No comments received

LCC Historic Environment Officer
No archaeological input required.

LCC Highways & SUDS Support
No objections

The Application site is an existing building in the centre of Crowland. The most recent previous use of this building is advised to have ceased a year ago. The proposed uses would provide services that would be beneficial to residents of the Town, in a location that would be within convenient walking distance of the homes of many of those residents. An existing, unregulated car parking area to the rear of the site is to be formally marked-out to make more efficient use of the available space for the parking and unloading/loading of staff and those who would choose to visit the proposed facilities by private car. Broadway, at the frontage of the site, has a wide carriageway and would not necessarily be blocked should a limited number of visitors choose to wait momentarily on-street to disembark/embark children attending the Child Nursery.

In view of the above and 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 change of use would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

LCC Education
No objection

North Level Internal Drainage Board
No comment to make with regard to the above application.

Third Parties
One objector - objection summarised below:

Overcrowded development
Concerns over size of vehicles shown
Impact on parking on a narrow road

Planning Considerations

The main issues in this case are:
Principle of Development and Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Refuse collection
Foul and Surface Water Drainage
Landscaping and impact on trees
Contaminated Land
Heritage considerations

Lighting/Hours of Use

Principle of Development and Sustainability

The property is located on the corner of Chapel Street and Broadway, within Crowland, which is considered to be a Main Service Centre within the South East Lincs Local Plan. It is considered that the retention of this building and the improvement of its use is a sustainable proposal.

The British Legion Club was used as a hall and sports and social club, which is considered to fall within the current Use Classes Use Classes F2(b) and E. As such it is considered that as the proposals the subject of this application fall within the same use classes, planning permission is not required for the refocus of uses. In addition, a previous approve established that the site can be used as a children's nursery. The latter had a residential element which has now been removed.

There is therefore no objection in principle subject to the detailed consideration of the external alterations considered below.

Layout and Design

The layout of the building and its uses has no adverse impacts and is considered satisfactory. The increase in height of the rear roofs on the single storey extensions improves the materials used on the extensions and has a positive effect on the rear and flank elevations. This complements and better reveals this non designated heritage asset. The materials used is an improvement in design terms.

The reinsertion of large windows on the flank of the west elevation significantly improves the view from the street scene and the elevation itself.

The inclusion of roof lights at high level on the east elevation would not impact significantly on the layout of the building.

The rationalisation of the car parking is thought to be beneficial in functional and design terms.

Highway safety and parking

The response of LCC Highway Service is set out above. Whilst Crowland Parish Council raised concerns about the emergency access, the lack of an objection from LCC highways indicates that there is not a signficant highway safety concern with this aspect of the proposal.

The application seeks to formalise the use of the existing parking area, to provide a disabled user parking space, nursery pick up/drop off parking and a limited area of staff parking. It would be expected that the formalisation of the layout would encourage on site pick up/drop off, and a condition is suggested that polite signage is provided to discourage on street parking and to encourage on site parking, pick up and drop off.

A condition is proposed seeking details of cycle and scooter parking provision.

Impact of neighbouring Residents/land users

Given that the use of the site for a day nursery and hall has been established, the current proposal raises no additional impacts in terms of car movements, parking and noise over and above the approved use. The removal of the residential element reduces the impact still further.

The use of part of the rear area as a fenced play area for the nursery is considered to be part of the healthy use of the building and has already been established in principle. Noise impacts can be controlled via condition in a similar manner to the previous approval in terms of hours of use of the building and the play area. This restriction of uses would mitigate reasonably against noise impacts to adjoining residents.

This proposal has reduced the amount of roof lights compared with the previously approved scheme and restricted them to the east elevation only at high level. To safeguard against any noise spillage a condition is proposed to ensure that the windows are non-opening.

The rear extension main roof is to be increased to 5.1m from an existing height of 3.1m. This would

be a gently sloping gable roof which is acceptable in design terms. Whilst there are residential properties opposite with one bungalow positioned to face the west elevation, the distance between the front elevation of this property and the proposed roof is such that no significant loss of light our outlook would occur. Site photos show that this neighbouring property is set back from the lane and has boundary fencing. Similarly, it is not considered that the introduction of windows on the western flank would adversely affect amenity or privacy. In fact, it would likely increase natural surveillance of the lane and improve the design of the non designated heritage asset.
It is considered that the proposal does not have an adverse impact on neighbours as a result

Refuse collection

A refuse storage area is proposed towards the rear of the property which is considered satisfactory. However, the application does not address the details of refuse collection for this community and commercial use; a condition is suggested to clarify these details.

Foul and Surface Water Drainage

The foul and surface water arrangements are proposed to be as existing.

Landscaping and Impact on trees

The existing site has an open loose stone parking area, with conifer tree screening on the eastern boundary, which amounts to the total of the landscaping. With the existing parking area being retained as parking there is limited option to provide any additional soft landscaping. However, to safeguard amenity a condition is suggested to ensure the retention of the conifer screen and its replacement should it require replacement.

The external fenced play area would have safe soft play finish. The fencing would be read in the context of the wider use of the site.

Contaminated Land

The SHDC Environmental Health has not identified any issues with this site in terms of contaminated land.

Heritage considerations

The building is recorded in the Lincolnshire Historic Environment Record and can be considered a Non-Designated Heritage Asset in the terminology of the National Planning Policy Framework.

The SHDC Conservation Officer raises no objections to this proposal from a conservation perspective.

It is considered that the application has been dealt with in line with the requirements of Policy 29 of the SELLP as well as Section 16 of the NPPF accounting for the non-designated heritage asset status of this site and is acceptable.

Lighting/Hours of Use

The hours of use have been suggested by the applicant as set out above and this can be controlled via condition. Given the inclusion of the play area it is considered that the restriction of the use of the nursery in particular would be sensible, given the proximity of residential properties, as per the previous approval

No lighting scheme has been provided, and this can be controlled via condition, to ensure that lighting on the site does not become a source of light spillage and complaint.

Planning Balance

PLANNING BALANCE

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development does not materially harm the character or appearance of the locality, or the heritage value of the building, nor the amenity of nearby residents, and provides adequate parking. The raised rear roofs on the extensions are an improvement in design terms. The proposed rooflights and new windows would not adversely affect amenity.

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 29, 30, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve with conditions.

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.