DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0998-23**	**Applicant:**	**Sovereign Properties (England) Ltd**
Proposal:	Proposed change of use from British Legion Club to Child Nursery & Community Hall with External Alterations - approved under H02-0945-22. Modification of Conditions 2 & 3 to allow amendments to previously approved plans relating to site changes and discharge of Conditions 4, 5, 7, 8 & 9 relating to operation details of arrangements for scooter & cycle provision, signage locations showing entrances & parking, roof lights, illumination of all elements of building and areas of the site and arrangements for private refuse/recycling collection.		
Location:	Former British Legion Club Chapel Street Crowland		
Terminal Date:	31st January 2024		

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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the change of use from a British Legion Club to Child Nursery & Community Hall with External Alterations - approved under H02-0945-22. This application seeks to modify Conditions 2 & 3 to allow amendments to previously approved plans relating to site changes. It also seeks to discharge of Conditions 4, 5, 7, 8 & 9 relating to operational details in relation to the provision of scooter & cycle provision, signage locations showing entrances & parking, roof lights, illumination of all elements of building and areas of the site and arrangements for private refuse/recycling collection.

The application is part retrospective.

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 2023.

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

H02-0945-22 - Proposed change of use from British Legion Club to Child Nursery and Community Hall, with External Alterations - APPROVED 7 November 2022.

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

No objections

Local Highway Authority and Lead Local Flood Authority

No comments.

The amendments to the development Consented under reference H02-0945-22, being proposed in this application, do not adversely impact upon the safety or the operation of the neighbouring highway network and the maters covered by the Condition Discharge element of the Application do not relate to highway matters, Therefore, the highway authority does not wish to object to the grant of consent for this application.

North Level Internal Drainage Board

No comment.

SHDC Environmental Protection

No comments

Public

One local resident has objected (submitting more than one comment) to the proposals for the following reasons:

-strongly object, developers show blatant disregard to residents and planning conditions.
-objection to parking, dropping off and picking up areas, will not accommodate normal sized cards. Area of parking been reduced. Removal of disabled, bin collection area and change to play space.
-use in established residential area.
-not complying with conditions
-black line on plans now showing the fenced-off play area.
-play area closer to road,
-removal of parking
-overcrowded development, extra vehicles/parking/existing and entering along very narrow road.
-overdevelopment

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The site is within the settlement boundary of Crowland and as such in sustainability terms there is no conflict with Policy 1. In addition, permission for the use has been granted previously establishing the principle of the change of use (references H02-0945-22 and H02-1272-21). The site is within a sustainable location and is acceptable in principle.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Proposals should also ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Plan 211276-04 rev D and Plan 211276-06 rev C as approved under reference H02-0945-22 shows a rear external layout plan with a rear external play area which was 6.74 metres deep and 4.85 metres wide. Refuse bins were situated on the other side of the fence on the flank which comprised both the Nursery Hall refuse and recycling bins and the Nursery bins arranged in a linear fashion, facing the access road.

Adjacent to the play area there was a disabled parking place and 10 parking spaces for nursery drop off and pick up and 6 staff parking spaces. This left the rear most section of the car park available for other parking.

The rear elevations showed a 2m high fence (which looked to be coated metal fencing although details of colour and materials were not included) to the outdoor play area as shown on Plan

211276-09- Rev B.

The current application seeks part retrospective changes to these details as well as details associated with outstanding conditions, in order to regularise the overall permission.

In the current application, the revised drawings show the following differences:

-Plan 211276-06 rev D shows a larger play area which is 6.79m wide and 14.9m long.

-The play area now has a 1.4m high close boarded timber fence

-The refuse bins are now at the rear of the external play area rather than at the side, with bins for the Function all at the front of the property.

-The scooter parking is now next to the bins to the rear of the extended play area.

-The disabled parking and path are in concrete rather than gravel to provide for safe continuous access for disabled users. The concrete path continues to the entrance door at the rear access point of the property.

-Cycle parking is next to the scooter parking.

-The rear entrance to the day nursery is bounded by a 9.0m high open timber slatted fence, the area is lit and gated. The entrance is in close proximity to the disabled access which is in concrete to provide a flat surface. The access on the other side of the area is also in concrete.

-The total number of parking spaces for both nursery drop off, disabled and staff parking has remained unchanged, instead the parking has simply been moved further back into the large gravel parking area. There is still an area for overflow parking beyond the marked spaces.

The main change to the approved drawings relates to an increase in the rear play area. This is considered to be an improvement compared with the approved plans to allow a larger external recreation area for the children using the day nursery. The enclosed fencing is lower and of better quality materials and therefore is a better design compared with the approved scheme. This accords with adopted policies in a positive way.

The disabled space is to be concreted with a concrete path to allow for level access, the bins have been relocated so they are split between the front and the rear of the premises, thereby improving the external appearance.

Parking is unchanged other than it has been moved further into the large gravel area.

The revised design is better than the approved design and as a result there are no conflicts with Section 12 of the NPPF or Policies 2 and 3 of the SELLP.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The changes to the day nursery include making the external play area larger. It is considered that this enlargement improves the overall design and functioning of the day nursery. This will allow children more space to play.

The car parking arrangements have moved to accommodate the larger play area so have not decreased.

There is no other functional change to the established use, however the condition discharge details are discussed below.

It is noted that one local resident strongly objects, on the basis of showing disregard to residents and planning conditions. This current application seeks to regularise the planning issues that are outstanding as well as clarify details. Whilst it is acknowledged the neighbour considers the use to be unsuitable, and an overcrowded development, and that the use is overdevelopment, the principle of a day nursery has been established. The resident cites the removal of parking. This is not the case, it has been moved to accommodate a larger play area.

It is noted that the resident objects on the basis of extra vehicles, parking problems, existing problems exiting and entering along a very narrow lane, however, the use as a day nursery has already been established and this current proposal will not increase vehicle trips. In addition, the Local Highway Authority raises no objection to the proposals.

It is noted that the resident objects due to the play area being closer to the road. The road is an access road only and it is not accepted that the change to the dimensions of the play area would result in any increased danger to the children, any parking problems or any adverse impact on residential amenity over and above the established use.

The comments and details put forward by the resident have been taken into account. It is not accepted that the proposals result in an adverse impact upon the amenities of adjoining or nearby residents. As such revised design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The current proposal does not change the number of spaces, only their position. The Local Highway Authority do not object to the proposals. The proposals involve cycle and scooter parking and also a disabled parking space. These details are considered satisfactory. As such the proposals are considered acceptable.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. Policy 4 of the SELLP relates to flooding.

The proposals make no changes to the aspects of the scheme relating to flooding. The principle of

operating as a day nursery has already been established in the previous approval. Therefore, there is no conflict with Policy 4 of the SELLP as a result.

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.

In the initial change of use to a Day Nursery under reference H02-1272-21, the SHDC Conservation Officer raised no objections to this proposal from a conservation perspective and considers that the newly presented HIA was sufficient in detail and the amended design of the proposal, in particular, was much less obtrusive array, with the layout of the windows are much preferred over the previously proposed scheme. Application H02-0945-22 related to mainly internal changes to the scheme and did not affect the principle of development.

For the current scheme, the application again does not affect the principle and relates to minor changes at the rear of the site compared with the previous approval. As such it is considered that the application results in no harm to non designated heritage assets and does not conflict with 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 considered acceptable.

Other material considerations

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The principle of operating as a day nursery has already been established in the previous approval and the proposals do not worsen climate change.

It is not considered that there are any other material considerations that would result in harm to the proposed changes to the extent that refusal of planning permission is warranted.

Discharge of Condition Details

Part of the proposal relates to the discharge of conditions associated with the host consent of H02-0945-22, the details of which are shown and discussed below:

Discharge of Condition 4

Condition wording:

"Prior to the uses coming into operation details of arrangements for scooter and cycle provision shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The arrangements for scooter and cycle provision shall be installed in accordance with the approved details and thereafter so maintained."

Condition Detail:

Drawing 211276096-06 Rev D shows the position of the scooter parking area which is positioned at the other side of the Children's external play area. The position is considered acceptable and allows older children to park their scooters in a secure location. As a result the details are considered satisfactory and this condition can be discharged.

Discharge of Condition 5

Condition Wording:

"Prior to the uses coming into operation polite signage shall be provided at the Chapel Street and Broadway elevations indicating the location of the entrances and parking for the development and to deter on street pick up and drop off. The signage shall be installed in accordance with the approved details and thereafter so maintained."

Condition Detail

Drawing 211276-04 rev F shows the position of the signage to the day nursery. It shows a sign directional sign demonstrating the direction to travel to park for users of the facility, and signage on the main building which is unilluminated and in white with a dark green background. A further sign beneath shows relevant phone numbers. All signage is not excessive in size, will not impact upon highway safety and will not result in an adverse impact of amenity of nearby residential occupiers. As a result it is considered that these details can be discharged.

Discharge of Condition 7

Condition Wording:

"Details of the roof lights hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The roof lights shall be non-opening and shall be installed in accordance with the approved details and thereafter so maintained."

Condition Detail

Drawing 211276-09 Rev C shows external elevations of the application premises. Two rooflights are positioned on the east elevation which are modest in size situated close to the ridge of the roof. No overlooking is possible which means there will be no loss of privacy to nearby adjoining occupiers. There are no other rooflights proposed on the other elevations including the west elevation. There will be no adverse impact upon amenity. As a result of these details it is considered that the detail associated with condition 7 can be discharged.

Discharge of Condition 8

Condition Wording

"Details of any illumination of all elements of the building and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved."

Condition Detail

Drawing 211276-98 Rev C shows the application premises and shows a wall mounted downlighter providing low level lighting of 3 watts on the flank elevation of the rear extension to provide safe passage for pedestrians between the hours of 16.00 to 19.00 hours with automatic turn off. This is positioned on the most rearward projection of the building. Also present are small security lights which are directional on the rear elevations which face downwards to the play areas and are centrally located.

Four similar lighting units are positioned on the main western elevation with similar automatic shut off. These lights are small in size, do not result in excessive light spillage and light the access road to the side for users of the nursery. This is considered to be a proportionate and reasonable safety feature. The lighting units are very small. A photograph has been provided to demonstrate their scale.

Drawing 211276-09 Rev C shows 2 further wall mounted downlighters on the rear elevation which are similarly modest in size and directional and would not adversely affect neighbouring properties.

It is not considered that the lighting would adversely affect the amenity of adjoining or nearby occupiers and therefore it is considered appropriate to discharge this condition.

Discharge of Condition 9

"Notwithstanding the refuse collection arrangement shown on drawing reference 211276- 04 D, prior to the use being brought into operation, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first use of the site and thereafter retained for the lifetime of the development."

Condition Detail

Drawing 211276-09 Rev C shows a refuse bin storage area next to the rear fencing of the day nursery. The three refuse bin stores are shown in more detail on plan 211276-06 rev D. The bins are left in an accessible location at the end of the side access road. Drawing 2116276-04 rev F shows additional bin storage and recycling bins for the Function Hall within the front paved area at the front of the site. It is considered that the bin storage details are satisfactory and this condition can be discharged.

Conclusion in relation to Discharge of Conditions

It is considered that the details associated with the submission details for the conditions are acceptable and should be discharged.

Conclusion

The proposed changes in relation to this proposal are minor, and improve the external design of the day nursery. It is not considered that the changes would adversely affect amenity.

The proposed submitted details are considered satisfactory and as a result approval is recommended.

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.