

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1272-21 **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: 29th April 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.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
RESIDENTS	2	0	0	1

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 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.

The application has been revised since original submission to remove residential uses.

The application form indicates hours of use for the nurseury 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.

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 building is a two storey detached hall, with a single storey addition, 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.

Consultation Responses

Crowland Parish Council

Support.

Pleased to see an historical building being brought back in to use.

SHDC Conservation Officer

Following the recent amendment, I wish to raise no objections to this proposal from a conservation perspective. The newly presented HIA is sufficient in detail as outlined by my colleague from the

LCC HER, and the amended design of the proposal, in particular, the much less obtrusive array and layout of windows are much preferred over the previously proposed scheme. Particularly given that this site is neither listed nor within the conservation area for Crowland. The case officer should proceed to determine this application 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. This is in addition to all other considerations relevant to this proposal.

SHDC Environmental Protection

After concerns over the initial proposed residential element of the application, note that this has now been removed and have no objection to the amendment.

No comments with respect to land contamination.

LCC Historic Environment Officer

the building's significance has not been considered in the proposed development there may be the potential opportunities to enhance and better reveal its significance. Suggested additional information be sought.

No further comments to make on the revised information now that the agent has provided at least some basic information on the building's significance and potential impacts.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

This site is sustainably located within the town, with good footway links and bus stops at the site frontage. Sufficient space is retained on site for car parking and manoeuvring for all proposed uses. The applicant could consider installing cycle and scooter parking provision for children, staff and visitors.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

Suggest an informative.

No comments made to the revised scheme.

North Level Internal Drainage Board

No comment to make with regard to the above application.

Third Parties

Original Submission

Three objectors - objections precised:

Over development of the site.

Impact on residential amenity.

Noise impacts of children's play.

Impact on parking and on street parking given the limited width of the roads in this area.

Highway safety at this road junction. Suggest yellow lining.

Also the five executive houses planned for the bottom of Chapel St, causing more traffic.

Inadequate pick up/drop off spaces.

Emergency doors lead on to the road.

Revised Submission

One objection has been received to the revised application, raising matters of the impact on parking and on street parking given the limited width of the roads in this area.

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, but for the external alterations and the impacts of these uses.

Layout and Design

The proposed development does not affect the building scale, the demolition of part of the single storey element creates a small reduction to the overall building scale.

The inclusion of roof lights would not impact significantly on the layout of the building, and the wider implications of these roof lights are addressed further below.

A first floor level is to be included to provide ancillary office and storage facilities.

Highway safety and parking

The response of LCC Highway Service is set out above.

It is not considered that the use of the building and wider site for the intended form of use would warrant additional measures, such as additional parking and yellow lining. The fall back position is that the building could be used for uses within Use Classes F2(b) and E without the need for formal consent.

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

The key impacts to adjoining and nearby residents would be matters around car movements, parking and noise.

As set out above, the site is located in a sustainable location and the uses proposed are considered to accord with the authorised use of the building and site.

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. This is to be balanced against noise impacts and this can be controlled via condition; the application sets hours of use of the building and this play area. This restriction of

uses would mitigate reasonably against noise impacts to adjoining residents.

The insertion of roof lights could result in noise spillage and a condition proposed to ensure that the windows are non opening.

Refuse collection

The revised application does not address the details of refuse collection for this community and commercial use and a condition is recommended to seek 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.

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 does not identify any issues with this site and does not suggest conditions to deal with 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 and considers that the newly presented HIA is sufficient in detail and the amended design of the proposal, in particular, the much less obtrusive array and layout of windows are much preferred over the previously proposed scheme.

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.

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 impacts of the building, nor the amenity of nearby residents, and provides adequate

parking, given the fall back position regarding the use of this site.

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 (NPPF), 2021.

There 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.