DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H12-0580-20**	**Applicant:**	**Hallgate Timber**
Proposal:	Proposed conversion of sales area to dance studio		
Location:	Red Mayes Farm Lime Walk Farm Lime Walk		
Terminal Date:	1st January 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for proposed conversion of sales area to dance studio at Red Mayes Farm, Lime Walk, Long Sutton.

Red Mayes Farm hosts Hallgate Timber. It is a long-established local company which specialises in making quality bespoke garden buildings and supplying sheet material to the building trades and DIY. The showroom and office within the main building on the site is no longer necessary for the current needs of the timber company. The conversion is sought to accommodate the dance studio which is currently operating in Sutton Bridge (Rebecca Dear School of Dance).

The students will be mainly children. Adults who will be some of the children's parents will also be students of the dance studio. Two different rooms are proposed for each audience. Lessons will be taken at any given time between 4pm and 9pm on weekdays and 10am till 3pm on Saturdays, except during school holidays where lessons will be taken at any given time between 10am and 9pm. The maximum number of dance students is 15 at any one time.

Site Description

Ribbon development extends on Lime Walk, especially on its north-western side. Open fields are opposite the road. There are a wide range of house types and designs in the area.

The site hosts Hallgate Timber which specialises in making quality bespoke garden buildings and supplying sheet material to the building trades and DIY.

From the front to the rear, there is one T-shaped long building, used for showroom/office use. The land extending from the northern side elevation is a show site of garden sheds and other company products. This show site is flanked by parking area and one outbuilding for storage. At the rear part of the site, one triple pitched industrial building used for timber operations comprising timber cutting, packaging, store, etc. The remainder of the land is hard-standing area. There are four residential properties that adjoin the entire site, No. 33 to the south and Nos. 37, 38 and 39 to the north.

History

H12-0631-11 - Replacement of storage building with showroom and 2 holiday flats - Approved

H12-0193-18 - Proposed conversion of showroom to holiday flat - Approved

Consultation Responses

Members of the public

Two residents object raising the following issues:

- Exacerbation of noise pollution by reason of use intensity (extensive hours of opening).
- Mitigation measures (effective soundproofing) should be incorporated into the development.

SHDC Environmental Health

Requests to impose a condition stating all doors and windows are kept closed during classes and/or when amplified sound is being used.

Planning Considerations

Principle of development

The site is outside the settlement boundary for Long Sutton in the South East Lincolnshire Local Plan (SELLP) 2019.

However, the site is identified as an Established Employment Site (ref: LO005) in accordance with Policy 7 of SELLP 2019. This policy sets out the aim of supporting proposals which assist in the delivery of economic prosperity across the district. It classifies allocated land in five categories: Main Employment Areas, Local Employment Areas, Restricted Use Employment Sites, Established Employment Sites and Other Employment Sites.

New development or redevelopment for Established Employment Sites will be restricted to B1, B2 or B8 provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses. The policy goes on to confirm that "any non-B development will only be supported where the applicant can show that it is ancillary to the effective functioning of the Established Employment Site".

It is worth mentioning that The Town and Country Planning (Use Classes) (Amendment) (England) Regulations streamlined the previous 16 Use Classes into 11 by introducing three new broad Use Classes as of 1 September 2020. The existing use of the site was previously classed as B1/B8 (light industrial, storage) and now it is B2 (general industry). Dance studio previously fell in the D2 use class (assembly and leisure) but now falls within Class E (commercial, business and services). Having regard to the recent changes in Use Class legislation, it is considered that Policy 7 is not out-of-date and still applies in this case.

The proposed dance studio remains non-B development and therefore the conversion should not be appropriate. The intended use would be alien to the effective functioning of Hallgate Timber in accordance with this policy.

Notwithstanding that they fail to comply with Policy 7, the development proposals should be assessed in the presumption in favour of sustainable development against planning policies taken as a whole. 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 key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; and 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, among other considerations.

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that development will be permitted when considerations are met in relation to the relationship to existing development and neighbouring land uses. In this regard, Policy 3 goes on to establish 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.

The long rear extension to the main building of the site is the subject of the proposed conversion. The office/showroom associated to Hallgate Timber will remain to the front.

Approximately 160 square metres will be converted from showroom to dance studio. Both large rooms will remain. The room that backs onto the front office/showroom will be used as a pole dancing studio for adults whereas the rear room as a dance studio for children. Internal alterations will be carried out to create a changing room, two disabled toilets, a large entrance hall and a corridor as a buffer between the two uses within the building.

The proposed conversion incorporates works to the fabric of the building to ensure that the change of use is appropriate given the proximity of residential properties. The walls and roof structure of the proposed dance rooms will be spray insulated. The existing windows and doors are double glazed which are deemed sufficient to retain noise pollution during the dance lessons.

The development will not impact the exterior of the building. The proposed floor layout is deemed acceptable in view of the intended use. Good levels of access are ensured from outside to the building and also between internal spaces. The provision of adapted toilets for disabled members and visitors enhances the overall layout as all types of users are taken into the account.

Residential amenity

Policy 2 of the SELLP (2019) states that proposals requiring planning permission for development will be permitted provided that considerations are met, specifically in relation to impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion, among others. Likewise, residential amenity is one of the issues when considering proposals on the ground of design and layout following Policy 3 of the SELLP (2019).

Furthermore, Policy 30 states that development proposals will not be permitted where they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise and light levels. Paragraph 127 of National Planning Policy Framework (NPPF), 2019 sets out that proposals 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, among others.

Lessons will be taken at any given time between 4pm and 9pm on weekdays and 10am till 3pm on Saturdays, excepting during school holidays where lessons will be taken at any given time between 10am and 9pm.

The dance studio is an independent business which basically targets children and their parents. The maximum number of students will be 15 at any one time. The students will mainly come to the premises after school times on weekdays with some sessions held on weekends and bank holidays.

In view of the use intensity and potential number of users, the proposed dance studio will not create such cumulative impact to the current noise levels associated with the timber business insofar as the application should be refused on this basis. Notwithstanding this, in order to ensure the safeguard of amenity of residents nearby, planning conditions will be imposed to restrict hours of opening and fenestration closed during lessons. Likewise, the submission of acoustic insulation details will be required for subsequent approval.

The provision of mechanical ventilation has been considered a key element of communal indoor spaces given the unprecedented times of Covid19. A condition will be imposed to submit details of mechanical ventilation for subsequent approval.

Taking into account the mentioned above, the impacts of the intended dance studio on the grounds of noise and disturbance are not unacceptable and mitigation measures can be appropriate to ensure that no harm will occur upon the amenity of the residents in the vicinity.

Car provision

The site currently benefits from a vehicular access on Lime Walk. It runs adjoining the southern boundary of No. 37 and serves a parking area to the rear of this plot.

Appendix 6 of the SELLP 2019 sets out the minimum requirements for parking provision upon the use class of the development. Class D2 is not listed, thereby the provision for "other types of development" applies in this case. It states that provision will be assessed on a site-by-site basis.

The proposed block plan indicates 22 no. car parking spaces. Such number of spaces is deemed sufficient not only for the intended dance studio but also for the timber business customers and approved holiday lettings.

Therefore, the development proposals ensure availability of car parking and the provision accords with Appendix 6 of the SELLP 2019.

Conclusion

For all the above reasons, and on balance, it is considered that the development would accord with the development plan as a whole. It is also considered that the relevant provisions of the NPPF 2019 are complied with and there are no material considerations to justify refusal.

This application is considered to comply with Policies 1, 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this application via delegated powers.

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.