

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0245-19 **Applicant:** Broadgate Builders (Spalding) Ltd

Proposal: Change of use of B1 offices to D1 (non residential institutions) - Temporary for 5 years

Location: Units 4 And 7 Broadgate House Westlode Street Spalding

Terminal Date: 29th April 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 7. Ensuring the vitality of town centres

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks 5 year temporary permission for Change of use of B1 offices to D1 (non-residential institutions) at Units 4 and 7, Broadgate House, Westlode Street, Spalding.

Riverside Training is an specialist training company offering independent training courses in accountancy, childcare, management, team leading, customer service and administration. The aim of this intended change of use is to host training centre and administrative offices of such company.

Site Description

The site is located within the town centre of Spalding. Broadgate House is a large office building that hosts a range of businesses in its 16 No. units. The building fronts Westlode Street which runs to south. A large car parking area extends between the rear of the building and mostly to the east. Alley-Catz Bowling club is within the car park area. The site access is through a lane running along the eastern side elevation where there is also the main access to the unit subject to this application.

History

Similar planning applications were submitted for other units of Broadgate House as follows:

H16-0899-18 - Temporary change of use from B1 (Offices) to D1 (Non-Residential Institutions) for a period of 5 years - Unit 1 - Approved

H16-1080-14 - Change of use of existing offices to D1 (non-residential institutions) Use Class temporary permission for 5 years - Unit 6 - Approved

H16-0600-11 - Temporary change of use from B1 (offices) to D1 (non-residential institutions) for a period of 3 years - Unit 3 - Approved

Consultation Responses

None

Planning Considerations

Principle of development

According to Inset Map 2 of South East Lincolnshire Local Plan, the site is within the Town Centre boundaries of Spalding and Conservation Area. This is the result of applying Section 7 of the National Planning Policy Framework, 2019 which laid down that planning policies should define "define a network and hierarchy of town centres" as well as "the extent of town centres and primary shopping areas".

Policy 25 of the Local Plan establishes that Councils should support appropriate proposals that are aimed to redevelop "land within the town centre boundary that can provide for retail and other town centre uses" and encourage "opportunities to support temporary uses in vacant premises in the primary shopping areas". When it comes to conservation areas, proposals "should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting" as per Policy 29 of the Local Plan.

After reviewing the planning history of the units of Broadgate House and current uses in the locality, the intended change of use would entail the reuse of an existing unit and would preserve the conservation area fabric as no external alterations have not been proposed. Should permission be granted for this proposal, it is not anticipate an over intensification of non-residential uses in the locality having regard approved proposals in the building itself and the area. For these reasons, the principle of development for the proposal is acceptable unless other material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

Impact upon residential amenity

The Design and Access statement submitted with this application states that the opening hours would be from 8.30h to 16.30h Monday to Friday with two week Christmas recess. There would be 14 members of staff training up to a maximum of 16 students Monday and Thursday from 9.30h to 16.00h on alternate weeks throughout the year. There would be also up to 12 students for early year apprenticeships once a month on Wednesdays from 16.00h to 20.00h.

No residential use has been observed within the building. The presence of dwellings and flats/apartments in a short walking distance is not as much significant as non-residential uses (shops, retail, offices). In view of the opening hours and number of staff and students and their frequency using the premises, it is not considered that the change of use would have a detrimental impact upon the amenity of residents nearby.

Design and layout

Neither internal nor external alterations are proposed for the change of use proposal. The internal

floor space of the unit approximately amounts to 1173 square metres. The space available would be sufficient for the above-mentioned number of staff and students that would use the premises.

Conclusion

In light of considerations above, the proposal complies with Policy 1, 2, 3, 25 and 29 of the South East Lincolnshire Local Plan as well as Section 7 of the National Planning Policy Framework, 2019.

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

Additional Considerations

None

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.