DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | **H16-0768-19** | **Applicant:** | **Broadgate Builders (Spalding) Ltd** |
| **Proposal:** | Change of use of B1 offices to D1 non-residential institutions - temporary for 5 years | | |
| **Location:** | First Floor, Unit 12 Broadgate House Westlode Street Spalding | | |
| **Terminal Date:** | 3rd October 2019 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |

**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 |
| RESIDENTS | 1 | 0 | 0 | 0 |

CASE OFFICER ASSESSMENT

**Proposal**

This is a full planning application for change of use of B1 offices to D1 non-residential institutions - temporary for 5 years at First Floor, Unit 12 Broadgate House, Westlode Street, Spalding. The unit would be used for educational purposes for young people aged 16 to 24, Monday to Friday 08:30 to 17:00.

**Site Description**

Broadgate House is located within Spalding Conservation Area. 10 Pinchbeck Road is located to

the rear of the site with takeaway businesses at 3-5 Westlode Street to the west, 19-21 Westlode Street to the East and Regent Bingo to the South.

## History

H16-0083-94

Full - Change of use to office accommodation - Approved - 15 March 1994

H16-0294-94

Full - Provision of external fire escape staircase and alterations to west elevation - Approved - 23 March 1994.

H16-0454-97

Full - Change of use of part from Class B1 to Class D1.  Non residential institutions - Approved - 18 June 1997

H16-0669-97

Full - Proposed alterations to west elevation - Approved - 30 July 1997

H16-0600-11

Full - Temporary change of use from B1 (offices) to D1 (non-residential institutions) for a period of 3 years - Approved - 17 October 2011

H16-0110-14

Prior Approval App - Proposed change of use of office suites 3, 6, 11 and 13 Broadgate House into 13 residential apartments - Permitted Development - 24 April 2014

H16-0899-18

Full - Temporary change of use from B1 (Offices) to D1 (Non-Residential Institutions) for a period of 5 years - Approved - 26 October 2018

## Consultation Responses

Member of the public - 1 objection

- Behaviour of students in ground floor education unit (Carries minimal planning weight)
- Lack of an allocated smoking area (Carries minimal planning weight)
- Potential crime impact from potential student behaviour at other first floor uses (Carries minimal planning weight)

## Planning Considerations

- Principle of use

Principle of use

There is not considered to be a material impact from the proposed use. The precedent of diversification has already been established in this office building through previous permissions. The presumption as to the current / future behaviour is beyond the remit of planning and there is no history of noise complaints regarding the existing educational use on site.

There is not considered to be an impact on the character of the building, surrounding area or vitality of the town centre as a result of the proposed change of use.

## Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2

and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 7 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.