SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 09 October 2019**

(Author: **David Grant - Planning Officer)**

Purpose: **To consider Planning Application H16-0783-19**

Application Number: H16-0783-19 **Date Received:** 08 August 2019

Application Type: FULL

Description: Change of use of first floor manager's flat to baby unit at child day-care facility

Location: Acorn Childcare Ltd Maytree Lodge 41 Roman Bank

Applicant: Ms K Holmes **Agent:** Ms K Holmes

Ward: Spalding St Pauls **Ward Councillors:** Cllr R A Gibson
Cllr G P Scalese

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0783-19

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a member of staff.

2.0 PROPOSAL

2.1 This is a Full planning application for the change of use of a first floor manager's flat to a baby unit at a child day-care facility at Acorn Childcare Ltd, Maytree Lodge, 41 Roman Bank, Spalding.

2.2 The proposed first floor change of use would provide two baby play rooms, a baby rest room, kitchen, water closet and an office / staff room. No exterior alterations are to be made. The current baby unit is in a detached former two-storey double garage block in the rear garden.

2.3 Currently, the first floor of the main house is used a the manager's family residence. Acorn Childcare is open Monday to Friday 07:00 to 18:00. When all staff are present there is a maximum of 16 workers on site.

3.0 SITE DESCRIPTION

3.1 The proposal is outside of the defined settlement limits of Spalding. A local wildlife zone covering the east and west banks of the Coronation Channel is sited immediately to the south.

3.2 Beyond the boundaries to the north and east is the public car park that serves the Springfields Outlet Shopping Centre. To the west is the Roman Bank bridge over the Coronation Channel as well as a large open grassed field beyond an established line of trees.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 South East Lincolnshire Local Plan, March 2019

4.3 Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio.

4.4 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.5 **National Guidance**

4.6 National Planning Policy Framework (NPPF), 2019

4.7 Paragraph 11 - The presumption in favour of sustainable development
Paragraphs 16 & 17 - Plan Making
Section 12 - Achieving well-designed places.

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0957-99

Full - Re-development to include leisure/retail/horticultural/food and drink uses with associated parking, highways works and landscaping - Withdrawn - 03 April 2002.

5.2 H16-0687-09

Full - Demolish existing garage and construct detached double garage/workshop - Approved - 03 November 2009.

5.3 H16-0979-09

Full - Ground floor and first floor extension to dwelling - Approved - 18 February 2010.

5.4 H16-1143-15

Full - Change of use from residential to residential/children's nursery including new conservatory and alterations - Approved - 08 March 2016.

6.0 REPRESENTATIONS

6.1 County Highways & SUDS Officer

No objections.

6.2 Members of the Public

No comments received

7.0 CONSIDERATIONS

7.1 The key issues for consideration in this application are:

- Policy and Principle of Development;
- Impact on traffic / parking.

7.2 Policy and Principle of Development

7.3 There is not considered to be a material impact on the character of the surrounding area. When assessed against Policy 3 of the SELLP concerning 'Design of New Development', the proposal is considered to accord with criterions 2, 8 and 11 which relate to:
2 - Distinguishing between private and public space;
3 - The landscape character of the location;
8 - Crime prevention and community safety;
11 - Residential Amenity.

7.4 The operational hours of the nursery are to the remain the same. There is not expected to be an increase in noise or general disturbance as a result of the relocation of the baby care facility.

7.5 Assessed against Policy 7 of the SELLP concerning 'Improving South East Lincolnshire's Employment Land Portfolio', the policy states:

7.6 "New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

7.7 Assessing the proposal against the above criteria, the application does not conflict with any of the above seven considerations. It is considered to help secure employment on site and provide valuable childcare and education services within the Spalding Area.

7.8 Traffic / Parking

There is not considered to be a material impact on traffic or parking as a result of the proposed change of use. County Highways have no objections. There is not a increase in the amount of childcare provision offered, and the gravel parking area is primarily used for picking up and dropping off purposes. An explanatory email from the applicant explains how 12 cars can be accommodated on site.

7.9 "We have tried several different configurations with parking, and have arrived at the final maximum of 12 vehicles parked on the drive outside Maytree Lodge by running five along the frontage, three along the riverbank side of the property, two in the car port and two in front of the car port. This is not ideal when we have parents arriving with pushchairs etc. Therefore, we are negotiating with our staff and offering incentives to car share, or walk from home, or use public transport. Meanwhile, the situation is running smoothly with those staff working longer shifts parking most "out of the way", and those working part time using the middle of the carpark area. Our busiest session is 8.30 am - 11.30 am, when all the parking is full. By 2.30 pm/3.00 pm one-third of our staff have usually left for the day."

7.10 Conclusion

The application is considered to be acceptable in all regards as outlined in the preceding paragraphs. There have been no objections and there is not considered to be any policy objection.

7.11 **Additional Considerations**

7.12 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.

7.13 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.14 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.

7.15 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.16 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.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions set out in Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Block Plan (1:500)
Existing Floor Plans (No scale)
Proposed Floor Plans (No scale)
Site Location Plan (1:1250)
Application Form

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No childcare provision shall occur on site outside the hours of 07:00 to 18:00 Monday to Friday.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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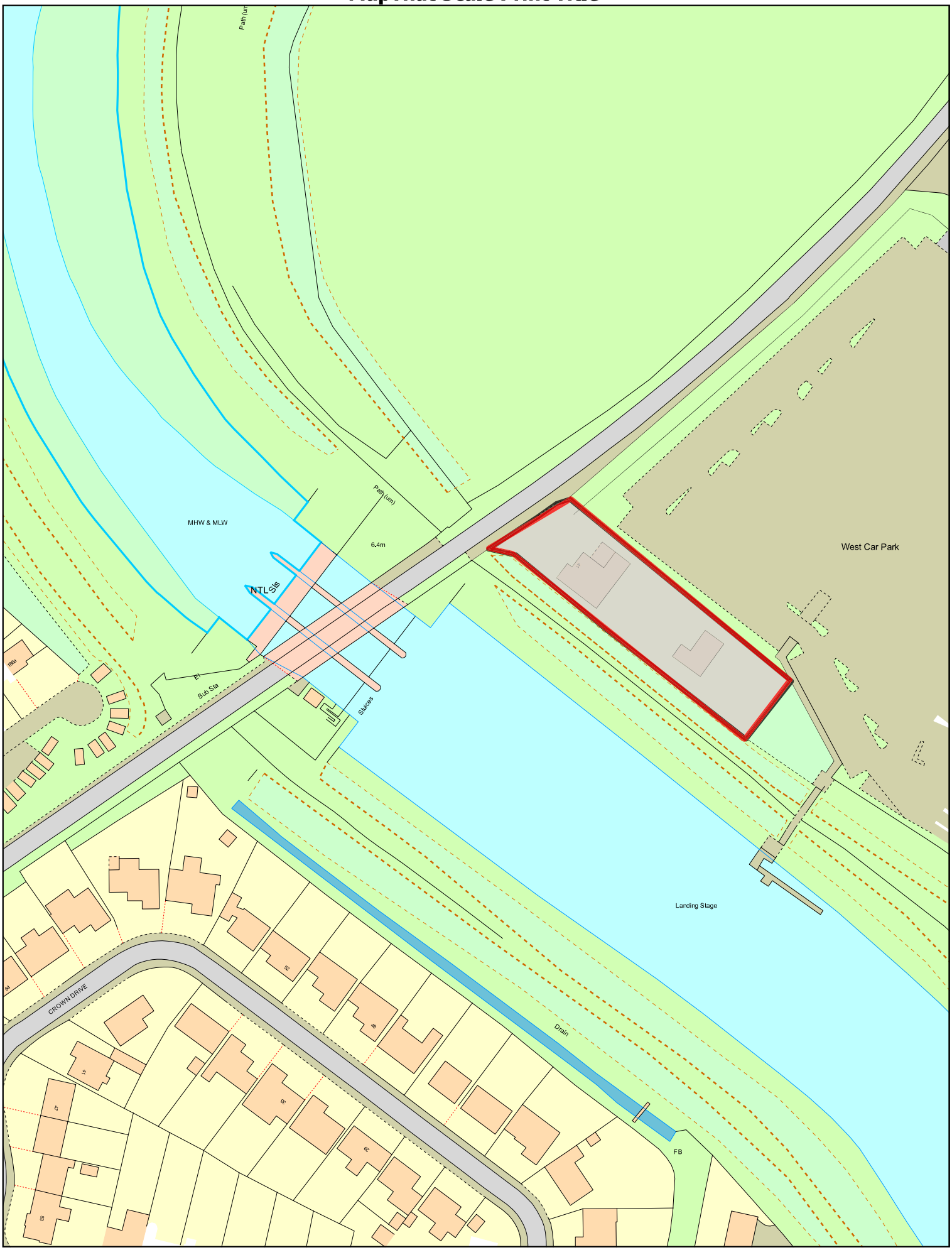
Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report: Appendix A - Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1250
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