



Committee Report

Planning Committee - 12 November 2019

Application no DC/19/3285/FUL

Location

Hungate Court

Beccles

Suffolk

NR34 9TR

Expiry date 16 October 2019
Application type Full Application
Applicant Anergreen Properties Ltd

Parish Beccles

Proposal Splitting D2 (Gymnasium) Unit into 3 Units of D1, A2 (or B1a) & A1 and retrospective application for the installation of air conditioning to the nursery

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1. Summary

- 1.1. This proposal is for the conversion of a Gym (use class D2) into a shop (A1) and Nursery (D1) with an office on the first floor with a flexible use of being for an office with visiting members of the public A2 or an office without visiting members of the public B1(a).
- 1.2. Committee referral is triggered because this represents a departure from policy albeit a minor one, in that the D1 Nursery use does not fall within the uses prescribed in town centres. The Town Council have recommended approval while expressing some concerns.
- 1.3. The recommendation is to approve with conditions to restrict use style and for further work to be conducted to satisfy concerns over noise before use.

2. Site description

- 2.1. The site is located within a mid-20th century complex consisting of a two-storey commercial element to the south of a service road, with a three-storey element to the north of that road, containing at ground level the job centre and above, flats. There is an elevated link block over the service road which contains further flats and provides under a loading dock for the two-storey southern building mentioned before and forming the proposal site. This is currently used as a Gymnasium (D2) throughout.
- 2.2. The gym use was granted (health club) in 2011 as DC/11/0833/COU: Conditions appended to this prevented change of use to other D2 uses without further consideration and limited opening hours to 07.30 to 21.30 Mondays to Friday and between 07.30 and 16.30 at other times including bank holidays, no amplification was allowed audible outside the premises. The 2011 application form also cited on the employment created as 3 full and 3 part-time jobs.
- 2.3. The site is located within the defined Town Centre for the purposes of Planning Policy. It is also within Beccles Conservation Area.

3. Proposal

- 3.1. The proposal is to subdivide this southern (gym) building to accommodate to the rear and east end a nursery (Class D1) and to the north and fronting Hungate a retail premises. This is for a gun shop. On the first floor an office is shown. It was not clear from the description whether this would host visiting members of the public, but further information has been provided. The description has been changed to reflect an A2 use, with flexibility to be used within Class B1(a), offices without visiting members of the public.
- 3.2. The proposal also includes a number of external alterations, consisting of:
 - Replacement door to the left of the shop window on the front elevation
 - Reduction in size of the shop window and installation of new doorway on the right hand side of the front elevation.
- 3.3. The plans are also annotated to refer to the installation of CCTV, but no details of such a system are included within the application. Depending upon the size and location of such equipment a separate planning consent may be required for the CCTV system.

4. Consultations/comments

- 4.1. Third Party Representations - One letter of Objection raising the following material planning considerations:
 - The site lacks parking for staff and parents dropping off children in association with the proposed nursery.
 - The roadway is marked with double yellow lines, however this is abused by delivery trucks, and visitors to the Job Centre obstructing residents garages and parking bays.
 - Vehicle mounting the pavement obstruct wheel chair users.
 - Noise from the nursery will harm residential amenity funnelled by the buildings.
 - Comment has been made that a gun shop and nursery are poor neighbours.

Consultees

4.2 Beccles Town Council

Consultee	Date consulted	Date reply received
Parish Council	19 September 2019	10 October 2019

“After initially considering the response of Garrett Design concerning children & parents walking to the nursery didn't reflect the preference of parents to drop them off by car, the committee considered that it stood by its previous decision to approve with concerns the A1 and D1 elements, as detailed in the Beccles Town Council response of 13th October 2019.

First Floor Office - A2/B1A changed from D1

The committee were concerned about the change of use for the first floor from D1 to A2/B1A: Councillor Stubbings raising the unsuitability of the area for any industrial use and Councillor Robinson advising that approval of a use category was general for all the sub groups, rather than given for a single sub-group, therefore approval could be given for B1 which includes 'any industrial process'. Following further discussion, the committee refused the change of use to A2/B1A.

In conclusion, the resolution of the committee was:

APPROVED WITH CONCERNS ' A1 and D1 as per previous response

The change of use from D1 to A1 approved for the ground floor shop.

Still concerns regarding the ground floor unit being used as a nursery under category D1

' No nearby safe parking for the nursery

' That the adjacent roads were marked with double yellow lines and signs for no waiting at any time, therefore there is not a safe drop-off zone for the nursery in close proximity.

' That access to the garages for the nearby flats would be restricted/or blocked by potential traffic to the nursery.

' That the nursery would generate increased noise for the adjacent flats.

' That an air conditioning unit had been installed without planning permission and this is located directly underneath one of the flats.

REFUSED ' A2/B1A

' That the area was not appropriate for any industrial process.”

Statutory consultees

Consultee	Date consulted	Date reply received
4.3 <u>Suffolk County - Highways Department</u>	19 September 2019	23 September 2019

Objection: County Council Highway Authority consider five vehicle parking spaces are needed for the shop and there is a lack of clarity as to how many employees are employed within each function.

Non statutory consultees

Consultee	Date consulted	Date reply received
4.4 <u>Suffolk Fire And Rescue Service</u>	18 September 2019	18 September 2019

Higher bearing capacity hardstandings are recommended and the use of automatic fire sprinkler systems. No additional water supply for fire fighting purposes is required.

Consultee	Date consulted	Date reply received
4.5 <u>ESC Head of Environmental Services</u>	23 August 2019	28 August 2019

Have no objections to make regarding this application.

Consultee	Date consulted	Date reply received
4.6 <u>The Beccles Society</u>	5 September 2019	5 September 2019

Recommend refusal as the applicant makes no provision for staff or drop off parking.

5. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	27 September 2019	18 October 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Departure	27 September 2019	18 October 2019	Lowestoft Journal

6. Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan Conservation Area
Date posted:
Expiry date:

General Site Notice
Reason for site notice: Conservation Area
Date posted: 3 September 2019

7. Planning policy

- 7.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 7.2. The Development Plan consists of
- East Suffolk Council – Waveney Local Plan (March 2019)
 - Relevant Neighbourhood Plans
- 7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:
- WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan (March 2019)
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 - WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019)
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 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)
 - WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan (March 2019)
- 7.4. There is no Neighbourhood Plan covering this area of the district.

8. Planning considerations

Principle

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.2. The relevant planning policies are set out in section 7 of this report.
- 8.3. As this premises is located within the defined Town Centre, the proposal falls under Policy WLP8.18 - New Town Centre Use Development, Beccles as a Market Town has an identified town centre area though there is no distinction with regard to primacy of shopping frontages. That said this location is considered further down the hierarchy, but the proposal is not compliant with the policy as "new" town centre use development

(falling within use classes A1, A2, A3, A4, A5, C1, D2 and B1a) will be permitted within Town Centre Boundaries and this proposal falls within D1 Nursery and A1 retail uses.

- 8.4. Given that this small area changed to D1 use would be located to the rear of the ground floor plate away from the frontage, and the style of operation does generate activity and footfall, and further the new shop to the frontage is unarguably compliant with the policy, and this site is at the extremity of the Town Centre defined in the proposals map; it is considered that the change is not in this instance harmful.
- 8.5. Similarly the policy WLP8.19 - Vitality and Viability of Town Centres identifies that secondary shopping frontages, should allow changes from the above use classes and sui generis leisure uses to other uses where "the proposal would support the vitality and viability of the town centre; and not result in a concentration of non-town centre uses in the immediate street frontage". The proposal is considered to accord with this as the retail use does preserve the frontage.

Conservation Area

- 8.6. A key consideration in assessing the proposed development will be the impact on the character and appearance of the conservation area and whether it will be preserved or enhanced as required by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.7. The proposed alterations would change the external appearance of the front elevation. However, these changes are relatively minor and on a mid-twentieth Century Building, where the changes would not result in the loss of any important historical or architectural features. Therefore the proposal is considered to preserve the character of the Conservation Area, and is compliant with Policy WLP8.39, and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990

Highways Considerations

- 8.8. Suffolk County Council as Local Highway Authority object because the A1 use in accordance with the SCC adopted guide requires five spaces for the 76.1m² floor area. Given however the town central site and the nearby Hungate parking area this is not considered a sound refusal reason and very few shops in central Beccles enjoy dedicated parking. The existing gymnasium also has no dedicated parking. It is considered that the six employees to be associated with the whole site will also have to either pay to park or walk from areas where on street parking is unrestricted and this does not differ from the current situation so does not form a reasonable refusal reason.
- 8.9. As the use falls within Class D2 currently and the nursery is in D1 there is potentially a very different character to parking in association with parents accessing the facility. Drop off and collection would be difficult in this location, but the applicant has advised that the site is not a "nursery or creche" in that children are not dropped off and collected and are accompanied by parents when on site.
- 8.10. Because of this the local car parks a short walk away are considered appropriate, given that parent accompanied children will be safe. A condition restricting the operation to accompanied children is needed to allow this use without parking harms arising, therefore.

Noise

- 8.11 Noise from the proposed nursery is considered little different in amplitude from that arising from the gymnasium, in that the gym generated some impact noise, and so hours of operation were limited to prevent material harms. Noise from children will occupy different frequencies, application of a similar hours of operation condition would not be unreasonable and would greatly exceed the operating hours required for this particular type of use.. A further condition restricting music to that which is not audible outside the building was applied to the gym decision and is recommended here.
- 8.12 The applicant has confirmed that expected number of children at any given time will be approximately ten with the potential for ten parents as well at that same time. This is considered credible given the constraint of floorspace available and is not considered a challenge to local public parking capacity.
- 8.13 Noise will be generated and the air conditioning unit that has already been installed without planning permission. This is close to the flats above, but within a concrete framed under-croft, where its impact might also be mitigated. Further details for noise assessment of this unit are required by condition before use of the unit. The Head of Environmental Health response does not reflect this because the unit was installed after the Head of Environmental Health was consulted and the item added to the description of works. The applicant is prepared to accept a condition that further information to assess and mitigate its impact before use is secured
- 8.14 The comment that a gun shop and nursery are poor neighbours cannot carry weight in the planning consideration as the use class order does not distinguish types of retail activity. In effect, if granted the planning permission would be for a general A1 shop use, not the specific products sold within the unit.

9 Conclusion

- 9.1 The nursery creates two full and two part time jobs and the gun shop one full time and one part time job The planning balance in this case is that the proposal offers 6 jobs, offset however, by the existing employment associated with the gym use (which at the time of that application was for 3 full and 3 part time jobs), and the potential for the floor area in other uses to generate employment of greater or equivalent quantum, and this set against the lack of parking immediately in the vicinity. There is however a public car park within 100m of this site.
- 9.2 Therefore, the proposal is considered appropriate in this location, and should be approved subject to appropriate conditions.

10 Recommendation

- 10.1 Recommendation is for approval subject to the following conditions

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings 2505.19.1 and 2; received 20 August 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The part of the premises identified as for office uses shall be used only for office uses falling within either Class A2 (office with visiting members of the public) or within Class B1(a) (Offices where there are no visiting members of the public); and for no other purpose whatsoever, (including any other purpose in Class B1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area.

4. The parts of the premises identified as a nursery shall be used only for a nursery where children are accompanied to and from the site by an adult, and that adult remains on site for the duration of the play activity and for no other purpose whatsoever, (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area and by requiring accompaniment by adults to prevent parking and highway harm associated with drop off to the premises.

5. No sound amplifying equipment which is audible outside the premises shall be installed.

Reason: to protect the amenities of the occupiers of nearby premises.

6. Before the air-conditioning plant already installed is first used, a noise assessment shall be provided to examine impact on nearest sensitive receptors and this shall be the Local Planning Authority and receive written approval. Any alterations, baffles or other mitigation measures proposed as part of the submitted assessment shall be put in place in accordance with the recommendations in the approved assessment and the equipment not used until any required measures are in place. These mitigation measures shall be retained for the duration of the operation of the equipment.

Reason: To ensure that noise levels arising from installed equipment do not prejudice surrounding residential amenity.

7. The use hereby permitted shall only take place between the hours of 07:30 and 21:30 Mondays to Friday, and between 07:30 and 16:30 on Saturdays and Sundays and bank holidays.

Reason: To protect the amenities of the surrounding area by minimising disturbance by noise.

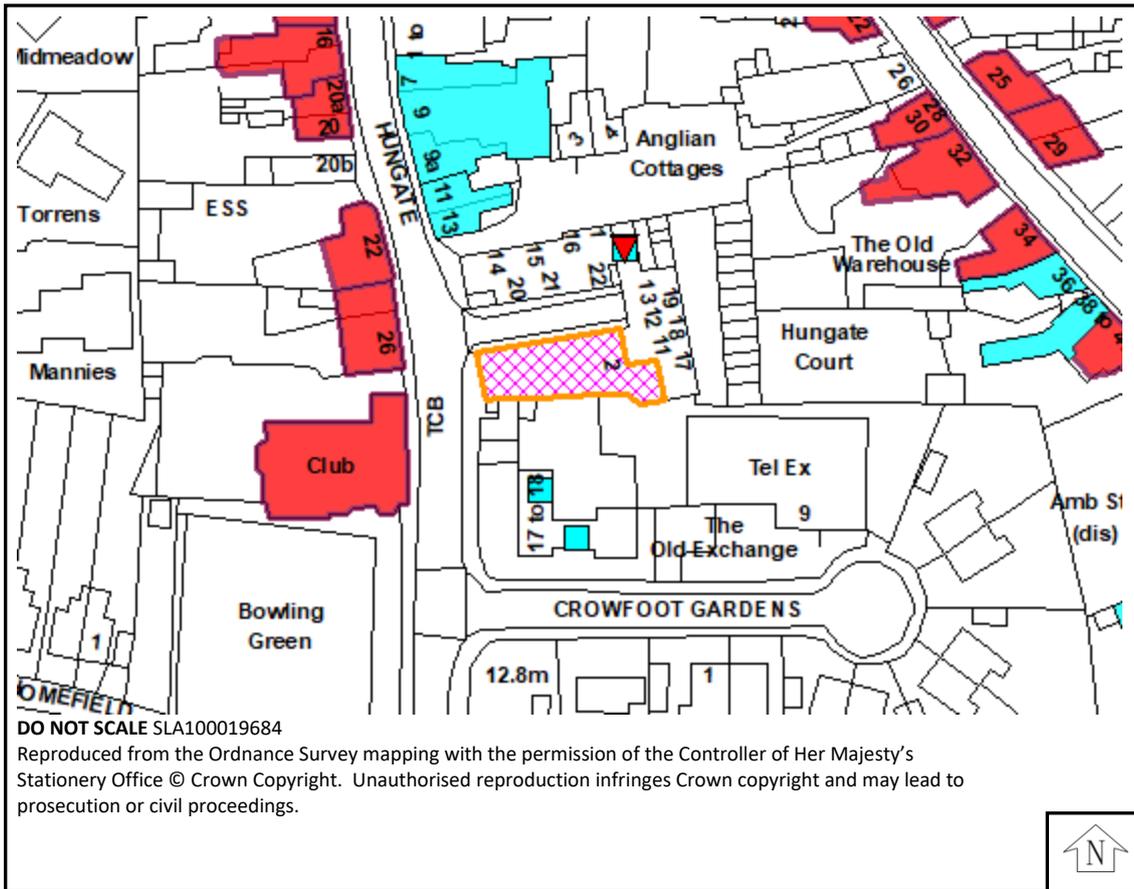
Informatives:

There are no informatives.

Background information

See application reference DC/19/3285/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWJFRAQX0H800>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support