

Officers Report

Planning Application No: 145345

PROPOSAL: Planning application for change of use of office 9 from class E to Aesthetics Clinic (Sui Generis)

LOCATION: The Plough Business Hub 37 Church Street Gainsborough
Lincolnshire DN21 2JR

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J A Rainsforth, Cllr T V Young

APPLICANT NAME: Aesthetic Skin and Wellbeing Clinic

TARGET DECISION DATE: 14/10/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Grant permission

The application is presented to Planning Committee as West Lindsey District Council is an interested party, as owners of the building.

Description:

The site is located within the Gainsborough Town Centre. The site adjoins a Conservation Area (to the south and on the opposite side of Church Street). All Saints Church, a Grade I listed building, is located to the south of the site and there are several other listed buildings diagonally opposite on the east side of Church Street. The remainder of the surrounding area comprises of a mix of commercial and residential properties, with a three storey block of flats to the immediate north of the site. The site is located within flood zones 2 and 3.

The application seeks permission for the change of use of 'office 9' from class E (Commercial, Business and Service) to Aesthetics Clinic (Sui Generis).

Relevant history:

W33/632/81 – Erect garage. Permission granted 22/07/81

W33/A/25/84 – Display timber panel sign, pictorial sign, illuminated panel sign and two lanterns. Consent granted 31/07/84

125174 – Planning application for change of use from A4 (pubs and bars) to B1 (Offices, Research and Light Industry). Also to demolish rear single storey building, form new vehicular access to rear carpark, refurbish and extend. Extension to comprise of single storey building with a two storey lift well. Permission granted 09/02/10

126621 – Planning application for conversion of public house into office accommodation, with rear extension for lift shaft – amendment to previously approved scheme 125174. Permission granted 16/11/10

127532 – Application for a non-material amendment to planning permission 126621 granted 16 December 2010 – eliminate rear extension and need for additional vehicular access. Planning permission required 28/09/11

127588 – Planning application for change of use of public house to office accommodation – amendment to previously approved scheme 126621. Permission granted 30/08/11

128179 – Application for advertisement consent to display 1 non-illuminated box sign on the south elevation. Permission granted 12/03/12

128555 – Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service. Permission granted 31/05/12

Representations:

No representations received at the time of writing.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Gainsborough Town Neighbourhood Plan (made June 2021); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP25: The Historic Environment

LP26: Design and Amenity

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2017/>

- **Gainsborough Town Neighbourhood Plan (NP)**

Relevant policies of the NP include:
NPP1 Sustainable Development

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/gainsborough-town-neighbourhood-plan-made>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

<https://central-lincs.inconsult.uk/CLLP.Proposed.Submission./consultationHome>

Main issues

- Principle
- Impact on Setting of Listed Buildings and the Conservation Area
- Flood Risk
- Highways
- Residential Amenity
- Minerals

Assessment:

Principle

Policy LP2 states that to maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

The property is a former public house in former B1 (business) and A2 (financial and professional) use classes, now reclassified under Use Class E (Commercial, Business and Service).

The application seeks permission for the change of use of office 9 to an aesthetics clinic. This use would fall under Sui Generis - a term used to categorise buildings that do not fall within any particular use class for the purposes of planning permission.

Whilst the property is located within Gainsborough Town Centre where class E uses are appropriate, it is considered that the proposal for an aesthetics clinic would also be appropriate and suited to a town centre location.

The proposed change of use would allow greater flexibility of end users in this business hub, developed to help support new local businesses, and secure its long term future.

The proposal is considered acceptable in principle and is considered to be in accordance with policy LP2 and the provisions of the NPPF.

LP2 is consistent with the NPPF and is attached full weight.

Impact on Setting of Listed Buildings and the Conservation Area

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

The Church of All Saints, a Grade I Listed Building, is located directly to the south of the application site. The Church is surrounded by generous grounds which contain a number of trees.

The Conservation Area boundary runs along the south side of the property. As well as the Church there are numerous listed buildings in the Conservation Area on the east side of Church Street.

The proposal comprises of a change use only with no external alterations therefore the proposed will not have a detrimental impact on the setting of the Listed Building or the Conservation Area.

The proposal would therefore be in accordance with policy LP25.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

LP25 is consistent with the NPPF and is attached full weight.

Flood Risk

The site is located within Flood Zones 2 and 3. The use proposed would be considered 'less vulnerable'. The current use is also 'less vulnerable', therefore the vulnerability of users would not increase. As a change of use only, it qualifies as 'minor development' and is exempt from the sequential and exceptions test (see paragraph 168 of the NPPF).

Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Although the use would be one where members of the public do visit, given the sites sustainable location within Gainsborough Town Centre which is well served by public transport and the level of off street car parking provided, it is not considered that the proposed change of use would be detrimental to highway safety.

The proposal is considered to be in accordance with policy LP13.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy LP13 is consistent with the NPPF and is attached full weight.

Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The surrounding area is a mix of residential and commercial uses and is separated from neighbouring residential uses by public highway and the vehicular access to the site. The proposed change of use is not likely to result in significant increases in on site activities or vehicular movements. Therefore, the proposed change of use would not result in harm, through increased noise and disturbance, to the amenities of surrounding properties. Given the mixed use characteristics of the area it is not considered reasonable to restrict the opening hours.

The proposal is considered to be in accordance with policy LP26.

Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments:

f) 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 users⁴⁹; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP26 is in accordance with the provisions of the NPPF and is attached full weight.

Minerals

The site lies within a minerals safeguarding area and policy M11 states that applications for non-minerals developments must be accompanied by a minerals assessment.

However, exemptions to this do apply, which includes the change of use of an existing development.

As the proposal is for a change of use, a minerals assessment is not required.

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and policy NPP1 Sustainable Development of the Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposed change of use of office 9 would not have a detrimental impact on the character of the area, amenity, and highways and does not conflict with neighbouring land uses. The proposal is recommended for approval subject to the following conditions –

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None

Conditions which apply or are to be observed during the course of the development:

None

Conditions which apply or relate to matters which are to be observed following completion of the development:

None

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report