

## DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H01-0299-25	Applicant:	Mr & Mrs M Smith-Hughes
Proposal:	Conversion of office space and annexes into a single dwelling including the erection of an ancillary building, a carport and a new access		
Location:	The Old Packing Shed 66 Backgate Cowbit		
Terminal Date:	26th May 2025		

### Planning Policies

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

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

### National Guidance

#### National Planning Policy Framework December 2024

#### National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

### National Guidance

### Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission for the conversion of an office and self-contained flat into a single dwelling including the erection of an ancillary building. The submitted plans show two self-contained annexes within the building and the office space is ancillary to the main dwelling of 66 Backgate, rather than being office space for general use by businesses for example. A new vehicular access is also proposed from Backgate, which is located to the west of the site.

### **Site Description**

The site comprises land at The Old Packing Shed, 66 Backgate, Cowbit. The site features a detached building, featuring both a single storey section and a two-storey section. The building is set back from the road frontage on Backgate as it is located behind 66 Backgate.

The site is located within the settlement limit of Cowbit, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zones 1 and 2, as identified by the Environment Agency's flood risk maps.

### **Relevant Planning History**

H01-0481-86: (Outline Application) Residential dwelling and garage - approved 15 July 1986

H01-0588-05: (Full Application) Two-storey and single-storey extensions to existing office and domestic store - approved 21 June 2005

H01-1301-06: (Discharge of Conditions) Details of external materials (Condition 2 of H01/0588/05) - approved 26 September 2006

H01-1302-06: (Discharge of Conditions) Archaeological Investigation Report (Condition 4 of H01/0588/05) - approved 16 November 2006

H01-1155-18: (Full Application) Change of use of part of ground floor office space into a self-contained flat, and the upstairs room into a self-contained flat (retrospective) - approved 15 May 2019

### **Consultation Responses**

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. I note that the applicant appears to intend to treat foul waste using a an existing septic tank, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for Conversion of office and self-contained flat into single dwelling including erection of ancillary building and new access and it does not have an impact on the Public Highway or Surface Water Flood Risk. The proposed new access is acceptable inline with the existing accesses along Backgate and sufficient parking and turning can be provided within the development site to allow vehicles to enter and leave in a forward gear. Highway Informatics 03 and 08 are recommended.

Environmental Protection: No comments regarding land contamination or environmental protection.

Cowbit Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Ecology Officer: No response received.

## Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## **Key Planning Considerations**

### Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024

(NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk;
- Biodiversity Net Gain.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Cowbit which is a Minor Service Centre. Policy 1 sets out that development in this type of settlement will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

In this case, the building within the site currently features two annexe flats and ground floor office space. The use is ancillary to the host dwelling which is 66 Backgate in this case. Condition 3 of permission H01/0588/05 sets out that "The development together with the existing office shall be used solely in conjunction with the occupancy of 66 Backgate". Whilst this condition restricts the occupation of the building, if full planning permission is granted to change the use of the building, this would override condition 3.

The proposal seeks to change the use of the building into one single dwelling, allowing the site to be occupied by a separate household, rather than by the occupants of 66 Backgate. The principle of such development is acceptable seeming as the site is within the settlement boundary and seeks to re-use an existing building. This is however subject to an assessment of the proposals against other material considerations such as the visual and amenity impact of the proposed development.

### Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The existing building within the site is set back from the road frontage to the rear of 66 Backgate. The front of the building is approximately 47m from the road frontage. The building is currently partly visible from the road frontage, however, the site is also partly screened by the built form of 66 Backgate and existing vegetation in and around the site.

The existing building within the site features a single storey element with a gable end roof form, and a two-storey element that crosses the building and also features a gable end roof form. The two-storey part of the building features glazed windows spanning most of the front elevation. The windows are proposed to be retained, and it is proposed to replace an existing doorway and window on the front elevation with a patio door. The visual impact of this is acceptable, particularly as this part of the building is not visible from the street scene. No new windows or doors are proposed on the rear or side elevations of the building.

There is a tall boundary hedgerow located along the site frontage. Part of this is proposed to be removed to facilitate the proposed vehicular access. This would result in a reduction of vegetation within the street scene, however, there is a mixture of boundary types on Backgate. The proposed removal of some of the hedgerow would therefore not significantly alter the character of the street scene. Furthermore, the hedgerow is not subject to a tree preservation order (TPO) and as such it could be removed without planning permission. The proposed access would also be located very close to an existing mature tree near the site frontage. Even if the proposed access was moved further north, the root protection area of the tree would still be impacted. The tree is also not subject to a TPO and as such could also be removed without planning permission. As such, whilst Part 14 of Policy 3 sets out that existing trees and hedgerows should be incorporated into new developments, the impact on the tree and hedgerow within the site would not be considered to be adverse in this case.

The proposal also seeks consent for a solar panel array to the north of the proposed access. The solar panels would measure 103cm by 178cm and would be fixed at 75cm above the ground level. The panels would be partially screened from view from the street scene by existing vegetation in and around the site. The visual impact of the solar panels is acceptable. Furthermore, Policy 31 of the Local Plan encourages the provision of renewable energy facilities, subject to criteria. This includes ensuring that such facilities would not result in significant harm to visual amenity. It is considered that the proposed solar panels would accord with the criteria of Policy 31.

A carport is proposed in front of the existing building within the site. Solar panels are also proposed on the roof of the carport. The carport is proposed to measure 6m by 9m, featuring a flat roof which would measure 2.9m in height from the ground level. The proposed materials include vertical cladding (neo timber - Antique). The carport is located approximately 34m from the site frontage. The visual impact of the carport is acceptable given that its scale would be proportionate to the main dwelling, and the building would be set back from the road frontage. The proposed materials include neo timber cladding. This would differ from most of the nearest dwellings within the street scene, which feature mostly brickwork and rendered facades. However, as the building is set back from the road frontage, the visual impact is considered to be acceptable.

A garden store is proposed to the south of the existing building, towards the corner of the site. No windows or doors are proposed on the rear or side elevation. The garden store is proposed to feature a central door on the front elevation, two windows on either side of the door and three evenly spaced rooflights on the front roof slope. The garden store is proposed to measure 6m by 6m. The store is proposed to feature a gable end roof form, for which the ridgeline would be set at the same height as the single storey part of the main dwelling. The garden store is proposed to feature neo timber cladding. The visual impact of the garden store is acceptable given that its scale would be proportionate to the main dwelling.

Lastly, an extension is proposed on the northern side elevation of the building to accommodate a log store. The extension measures approximately 5.1m by 2.2m. The height of the extension would be lower than the main dwelling and as such the scale of the extension would be subservient. Although the extension would elongate the building even further, the visual impact is acceptable in this case as the extension would not be visible from the street scene.

It is proposed to install neo timber cladding on the main dwelling. This would match the cladding on the other buildings within the site. As the building is set back from the road frontage, the materials are considered to be acceptable as they would not be significantly prominent within the street scene. It is considered appropriate to include a condition requiring further details of the proposed

cladding to ensure the cladding is of a suitable appearance and quality.

The visual impact of the proposed development is therefore acceptable. It is however considered appropriate to include conditions restricting certain permitted development rights related to the construction of outbuildings and extensions to ensure the local planning authority retains control over any future development within the site. These conditions are considered to be necessary to ensure any future development does not result in an overdevelopment of the site. The proposed development would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Impact on Amenity

Paragraph 135 of the NPPF states that development should 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 users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed extension, carport and garden store would not result in an unacceptable degree of overshadowing. There is a separation distance of approximately 22m between the rear elevation of 66 Backgate and the nearest part of the proposed dwelling. This is considered to be sufficient to prevent an unacceptable degree of overlooking. No additional habitable room windows are proposed which would face directly onto neighbouring properties. Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A new vehicular access is proposed from Backgate to the west of the site. Parking spaces are proposed within a proposed new carport. Lincolnshire County Council's highways team have not raised any objections to the proposals. The vehicular access gates are set back more than 5m from the road frontage as recommended by the highways team.

The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

### Flood Risk

The site is within Flood Zones 1 and 2, as identified within the Environment Agency's flood risk maps. The site is not within an identified hazard area, according to the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017). No specific flood risk mitigation is considered to be necessary in this case. As such, the proposals accord with the NPPF and Policy 4 of the Local

Plan in terms of flood risk management.

### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

The proposed development would not affect a priority habitat and it would not affect more than 25sqm of onsite habitat. The proposed development therefore falls within the de minimis exemption. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

### **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

### **Additional Considerations**

#### 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.

### **Conclusion**

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 11, 17 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

### **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.