

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H03-0238-20	Applicant:	Castle Roofing Supplies Ltd
Proposal:	Change of use from B1 (light industrial) to C3 (dwellinghouse)		
Location:	Castle Roofing Supplies Six Score Road Deeping St Nicholas		
Terminal Date:	5th May 2020		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Part 3, Class O of the General Permitted Development Order (2015)

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Prior approval application for the change of use of an office building on the site to a C3 dwellinghouse.

Site Description

History

H03-0597-13. Erection of detached dwelling and new vehicular access. REFUSED. 28-08-13. Appeal dismissed 12 June 2014.

H03-1111-08

Consultation Responses

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority)

Does not wish to restrict the grant of permission.

Given the authorised and historical use of the site, the existing and improved vehicular access on to the adjacent highway, which is not adopted by the County Council and is therefore private, will not result in a material intensification in the use of the track resulting in a significant reduction of vehicular movements along Six Score Road for the betterment of all users.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

SHDC Environmental Protection

No objection subject to a condition.

Planning Considerations

Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the conversion of Offices (B1) to Dwellinghouses (C3) is permitted development provided that

- (a) the building is on article 2(5) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order
- (i) on 29th May 2013, or
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the site is, or forms part of, a military explosives storage area;
- (f) the building is a listed building or is within the curtilage of a listed building; or
- (g) the site is, or contains, a scheduled monument.

As the building is not nor has it been used for B1(a) use; the building in question is located on a wider business site and is described in the Site Survey details drawing (JDA/2020/400/SITE.001) accompanying this application as a "LIGHT INDUSTRIAL B1 USE". The more detailed Survey

details plan (JDA/2020/400/SUR.001) shows the interior of the building as holding the following uses: workshop, store, welfare, reception and office/admin. These uses and the building are considered to be ancillary to the host business of Castle Roofing Supplies, which is a sui generis use.

This stance is supported by the history of the site, notably H03-0597-13 referred to above. During this application and appeal the wider site curtilage and this building in particular is referred to as *the workshop/storage building at the rear of the yard area*. (Design and Access Statement prepared by John Dickie Associates ref JDA/2013/140. para 5.1.6 refers).

...an open yard, in which roofing materials are stored in the open, and a substantial detached building located at the rear of the yard which provides covered storage areas together with an office. (inspector's Appeal Decision ref APP/A2525/A/14/2213931. para 5 refers)

Thus it can be seen that the building the subject of this application is not a B1(a) use, but is a mix of B1 and B8 uses that are ancillary to the main use of the sui generis use of this site as a builders yard for Castle Roofing Supplies.

Schedule 2, Part 3, Class O also requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site

Despite the views of LCC, as the site is located within Flood Zone 3, it is considered that the flood risks associated with the site and the proposed residential use, being a vulnerable category, it is considered that even if this proposal were to be able to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, prior approval would not be appropriate in this location.

Conclusion

In light of the above considerations the proposal is not considered to be in accordance with Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The recommendation is therefore to refuse.

It is also considered that Policies 1, 2, 3, 10, 11 & 17 of the South East Lincolnshire Local Plan (2019) would be relevant to the consideration of any future application for this proposal.

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.