

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0345-23 **Applicant:** Mr K Smith

Proposal: Conversion of existing independent dwelling (formerly annexe) to garage and home office, erection of new detached dwelling and change of use of existing industrial unit into garage/home office

Location: Castle Roofing Supplies Six Score Road Deeping St Nicholas

Terminal Date: 27th June 2023

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
22	Replacement Dwellings in the Countryside
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application at Castle Roofing Supplies, Six Score Road, Deeping St Nicholas for conversion of an existing independent dwelling (formerly annexe) to garage and home office, erection of new detached dwelling and change of use of existing industrial unit into garage/home office.

The proposal seeks to convert the existing independent dwelling (approved under lawful use certificate application H03-0010-23) to a garage and home office. The building will not be extended. The existing kitchen door will be bricked up with the downstairs area used for the purposes of a single garage. At first floor level the bedroom, bathroom and wc will be removed and replaced with a home office.

It is considered that the new dwelling proposed represents a replacement dwelling for the existing independent dwelling approved under H03-0010-23. At ground floor level a snug, wc, utility, sun lounge, living room and a combined kitchen / dining area will be provided. At first floor level three bedrooms, an en-suite and a bathroom will be provided. Proposed materials of construction are Grantchester Blend facing bricks by TBS, with Sandtoft Calderdale Light Grey roof tiles. A bat box will be provided on the west facing first floor side elevation wall with a swift box on the east facing first floor side elevation wall. An air source heat pump will be positioned to the east of the dwelling, with solar panels on the south facing first floor roof.

The converted industrial building at the rear of the proposed dwelling plot will not be extended or altered externally. The building will contain a single garage, two stores and a home office. The site frontage will be bordered by a 1.2 metre high post and rail fence. The existing conifer hedging on the western and southern boundaries is to be retained, as is the 2 metre high boundary fencing between the two plots.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nuclearized linear development of varying ages and designs. The proposal site is immediately adjacent the South Holland boundary, beyond which is the South Kesteven District. The northern site boundary is bordered by an established 3 metre high hedge. Six Score Road is located beyond, followed by an established lines of trees and then arable fields. The western side boundary is bordered by 6 metre high conifer trees with arable fields beyond. The southern rear boundary is bordered by 6 metre high conifer trees with arable fields beyond. The eastern side boundary is bordered by trees, beyond which are arable fields and Sixscore Farm 130 metres away.

The site is located in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels would be raised approximately 300mm above existing ground level. Foul water would be addressed by a package treatment plant and surface water would be addressed via soakaway. Further details of the proposed drainage methods would be addressed by condition.

RELEVANT HISTORY

H03-0195-01

Full - Proposed self contained dwelling and double garage - Refused - 17 April 2001.

H03-0854-01

Full - Proposed garage with games room above (re-submission of H03/0195/01) - Approved - 23 August 2001.

H03-1111-08

Section 191 Lawful Use Certificate - Use of garage as self-contained annex - Approved - 27 October 2011.

H03-0597-13

Full - Erection of detached dwelling and new vehicular access - Refused - 28 August 2013 - Dismissed at Appeal - 12 June 2014.

H03-0238-20

Prior Approval - Change of use from B1 (light industrial) to C3 (dwellinghouse) - Refused - 21 April 2020.

H03-0010-23

Section 191 Lawful Use Certificate - Use of annexe building as residential dwelling - Approved - 14 March 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection.

"The issue of the Certificate of Lawful use on 14 March 2023 has established the principle of there being two separate units of residential accommodation on the Application Site. This Application seeks to improve the quality and usability of the accommodation on the site without altering the access into the site from the public highway. Accordingly, it is not expected that the development proposed in this Application would have an unacceptable impact upon highway safety and the highway authority does not therefore wish to object to the grant of Consent for this Application."

Lincolnshire County Council - Historic Environment Officer

"This office has commented on previous proposals for this site and we would like to reiterate our earlier advice."

"This site lies within a vast, significant, prehistoric landscape, with no less than eight Bronze Aged barrows recorded in the adjacent fields together with late Neolithic and early Bronze Age sites. The archaeological significance of the area cannot be overstated but due to the size and type of development it is considered that a scheme of monitoring and recording will be the most appropriate archaeological mitigation."

"It is recommended that the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03."

"They should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." National Planning Policy Framework, Section 16, Paragraph 205."

South Holland District Council - Senior Planning Lawyer

"Prior to the occupation of the new dwelling allowed by this permission, the building granted lawful use under H03-0010-23 must be converted back into a garage."

South Kesteven District Council

"The above proposal has been considered by this Authority and on the 17th May 2023 it was resolved that this Council has no objections to raise."

Environment Agency

"This proposal comes under cell G8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application."

Welland and Deepings Internal Drainage Board

"The Board's 6th District Cradge Dyke bounds the site along the south-west and is afforded the protection of a 9m byelaw distance. Current proposals appear to be sited outside of this distance but if this should ever change I would wish to be reconsulted at the time. I note that surface water is to discharge via soakaways and that foul water is to be disposed of via a package treatment plant. If at any point a discharge for either of these to outfall into any watercourse is proposed then the prior written consent of the Board is required and fees will apply."

Deeping St Nicholas Parish Council

No objections.

MATERIAL CONSIDERATIONS

Principle
Flood Risk / Site Levels
Character / Appearance
Amenity
Replacement of existing dwelling

Housing Policies / Principle

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

When assessed against the relevant criteria the following can be observed:

The proposal is for a replacement dwelling to replace the existing independent dwelling granted a certificate of lawful use under application H03-0010-23. The principle of development is therefore assessed under Policy 22 of the SELLP which is titled "Replacement Dwellings in the Countryside."

As the proposal is not seeking an additional dwelling in the open countryside, it is considered that this application accords with SELLP Policy 1.

Flood Risk / Site Levels

The site is located in Environment Agency Flood Zone 3 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels would be raised approximately 300mm above existing ground level. Foul water would be addressed by a package treatment plant and surface water would be addressed via soakaway. The proposed finished floor levels of 300mm and methods of drainage (subject to further details) are considered to be appropriate for the site.

Character / Appearance

The size, scale and layout of the proposed dwelling is considered to be appropriate for the site. The industrial unit to be converted and the dwelling to be converted to a garage are not being altered in size and scale. Additional trees are to be planted as part of a landscaping scheme for the replacement dwelling. The character and appearance of the area is considered to be improved by this proposal which will provide an improved relationship between the host dwelling and new dwelling, and reduce amenity impacts.

Proposed materials of construction for the dwelling are Grantchester Blend facing bricks by TBS, with Sandtoft Calderdale Light Grey roof tiles. The materials of construction are considered to be appropriate for the site and are in keeping with traditional building materials of rural Fenland dwellings, as well as the existing industrial building to the rear of the site. There are no new materials required for the garage / home office buildings. The design is in keeping with traditional Fenland dwellings and the orientation is improved by being positioned facing Six Score Road on a similar line of frontage to the host dwelling. Bird boxes, bat boxes and the installation of hedgehog friendly fencing, detailed in the Biodiversity Mitigation & Enhancement Plan, will aid biodiversity in the vicinity and are not considered to materially impact the character of the built environment.

There is not considered to material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

There is considered to be a reduction in noise, odour and disturbance as a result of this proposal. This is because the proposed replacement dwelling is sited further from the existing dwelling than the current location immediately adjacent. Additionally the Castle Roofing Supplies business will no longer operate from the site. This should lead to a reduction in vehicular movements, and disturbance from industrial vehicles such as forklifts. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The replacement dwelling is located on plot of comparable size to that of the existing main dwelling on site.

Overshadowing - There is not considered to be an overshadowing impact. When right to light lines are drawn from the proposed dwelling the ground floor west facing side elevation windows of the existing dwelling are not materially impacted by a loss of light.

Overlooking - There is not considered to be an overlooking impact. The existing windows in the proposed garage and office building adjacent the existing dwelling are not being altered and this building is solely for the benefit of the occupants of the existing dwelling. The existing windows in the proposed garage and office building to the rear of the proposed dwelling are not to be altered and do not offer an overlooking impact by virtue of their siting and the 2 metre high boundary fence to the east. With regard to the proposed dwelling, there is no overlooking impact from the ground floor windows as the finished floor level of the dwelling is approximately 300mm above existing ground level. The north facing frontage first floor windows face Six Score Road and arable fields. There are no windows at first floor level on the first floor western side elevation. The South facing rear directly face the proposed office / garage at the rear of the site, do not afford any visibility of the adjacent dwelling and will only provide a small view of the furthest southern extent of the rear garden of the adjacent dwelling. The first floor eastern side elevation window of the proposed dwelling serves a bathroom and will be conditioned to be obscure glazed.

There is not considered to material impact on amenity from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Replacement of existing dwelling

This proposal is assessed against SELLP Policy 22 titled - Replacement Dwellings in the Countryside. This policy states:

Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

When assessed against the relevant criteria the following can be observed:

1. The residential use of the building to be replaced has not been abandoned.
2. The original building is permanent, has not become derelict and is not the result of a temporary permission.
3. The original building is not of architectural or historic merit and is not capable of repair.
4. The replacement building is of a high standard in terms of architectural detailing and materials of construction. The design and materials of construction are considered to be an improvement on the existing dwelling to be replaced.
5. The replacement building is not positioned on a similar footprint to the original building. However it is considered that the re-positioning would have beneficial impacts such as improving the character and appearance of the site, as well as reduce amenity impacts on the adjacent dwelling.
6. The replacement building does exceed the floor area of the original dwelling by more than 40%. However, the layout and siting is comparable to that of the adjacent dwelling. The design is considered to be a substantial improvement on that of the existing garage dwelling and presents as a traditional rural Fenland dwelling.

This application accords with SELLP Policy 22.

Removal of independent living unit approved under H03-0010-23

Because the dwelling approved under a certificate of lawful use is not on the same footprint as the new dwelling, a response from the Senior Planning Lawyer was sought to ensure that the dwelling to be converted to a garage can no longer function as an independent living unit. The Senior Planning Lawyer has provided the following comments:

"Prior to the occupation of the new dwelling allowed by this permission, the building granted lawful use under H03-0010-23 must be converted back into a garage." It is considered that this condition should ensure that an independent residential use cannot continue once the new dwelling is in occupation.

PLANNING BALANCE

The proposed conversion of the existing dwelling approved under lawful use certificate application H03-0010-23 is considered to benefit the adjacent dwelling by reducing amenity impact, providing

additional parking and additional floorspace without further extension of the dwelling. The proposed replacement dwelling on adjacent land is considered to be provide a new dwelling in keeping with the adjacent dwelling and provide a greater level of amenity for future occupants. The industrial building converted to a garage, store and office at the rear of the site will reduce the noise, disturbance and vehicular movements as the existing roofing supply business will no longer operate from the site.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 22, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

This application is recommended for approval.

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.