SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 20 July 2022**

(Author: **Christopher English - Planning Officer)**

Purpose: **To consider Planning Application H11-0472-22**

Application Number:	H11-0472-22	**Date Received:**	10 May 2022
Application Type:	FULL		
Description:	Change of Use from Office (Class E) back to previous C3 Dwelling Use		
Location:	SILVERWOOD GARDEN CENTRE BROWNS GATE LONG SUTTON		
Applicant:	Mr & Mrs J Tyrrell	**Agent:**	Mark Simmonds Planning Services
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0472-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 The application seeks permission for the change of use from an office (Use Class E) to a three-bedroom dwellinghouse (Use Class C3).

2.2 In 2016, planning permission was granted for the erection of a replacement dwelling that included a condition the building in question would be demolished within 3 months of the first occupation of the dwelling approved. In 2020, planning application was approved for the change of use of dwelling (set to be demolished) to office/storage in connection with the Silverwood Garden Centre business.

3.0 SITE DESCRIPTION

3.1 The site accommodates a detached two storey building currently used as an office that is set back from the highway of Brown's Gate by approximately 12m. There is hard landscaping to the front of the property and a small grassed area to the rear.

3.2 There are terraced properties opposite. The site is adjoined by Silverwood Garden Centre to the west and south. To the north is a large grassed area of land associated with the property which abuts the junction of St James Road and Brown's Gate.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 7 - Improving S E Lincolnshire's Employment Land Portfolio
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 23 - Reuse of Buildings in the Countryside for Residential Use
Policy 28 - The Natural Environment
Policy 30 - Pollution
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H11-0742-20 - Change of use of dwelling to office/storage in connection with the business - Approved November 2020.

H11-0372-16 - Replacement dwelling - Approved June 2016.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

"The Council refer to the Report of the Development Manager for the Planning Committee Meeting of 11 November 2020 in relation to Application H11-0742-20 in particular Paras: 2.2, 7.3, 7.4, 7.5, 7.6 and 7.7.

They also refer to the Decision Notice re: H11-0372-20 Condition 12 requiring demolition of the existing building within 3 months of the new dwelling being occupied to ensure there would be no net increase in dwellings due to being outside of the Planning Boundary as set out in the SELLP 2019.

By applying to return the building to a dwelling Policies 1(Spatial Strategy) Policy 7 (Improving SE Lincs Employment Land) of the SELLP no longer apply. There is a clear net increase in dwellings. The site is located in the countryside in planning policy terms as stated in the (SELLP) 2019 and therefore a net increase in dwellings is not in line with the (SELLP).

The building does not appear to be used as an office and there has been little evidence of structural works to the subsidence detailed in H11-0372-16 and the Council ask that the applicant is required to present any evidence of works to the property. The Council request that the Policies of the SELLP are correctly applied to all applicants in a fair, open and transparent manner.

They also ask that this application is considered by the Planning Committee due to the applicant being a District Councillor and the application being called in by a Ward Member. The Council also refer to their previous objections in relation to H11-0792-21 which will be sent separately to the Planning Office."

6.2 Ward Councillor

Cllr A C Tennant requests the application be heard by committee due to previous applications stating that property was unsuitable for residential use

6.3 No other letters of representation have been received at the time of writing this report.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Principle

7.3 The site is located outside the settlement boundary of Long Sutton and is therefore classified as 'Countryside' in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019). Policy 1 of the SELLP states that development in the countryside will only be permitted where it 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.

7.4 Policy 23 of the adopted Local Plan states that the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:

1.the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;

The submitted Planning Statement claims, "The building is structurally sound and requires very little in the way of reconfiguration to allow it to become fully usable as a dwelling once again." Furthermore, following a site visit, the building appears to be structurally sound when viewed externally.

2.the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;

Whilst the building in question is not considered to be of architectural or historic merit, given its location towards the corner of Brown's Gate and St James Road in a semi-rural location with Silverwood Garden Centre to the south-west, it is considered to soften the visual landscape of the area that could otherwise see the expansion of the commercial use toward the highway of Brown's Gate which is predominantly residential in character.

3.the proposal is in keeping with its surroundings;

Whilst the back drop of the building in question comprises of a commercial premise (Silverwood Garden Centre) there are a number of residential properties east of Brown's Gate and therefore a residential property in this location would assimilate to its surroundings.

4.the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and

Given its previous use as a residential dwelling, the building in question is considered to satisfy this criterion.

5.development leads to an enhancement of the immediate setting of the building.

7.5 The proposal seeks to change the use of the existing building from an office, back into a residential dwelling following its permission in 2020. The applicant has advised that changing work environments and habits following the pandemic have resulted in the building becoming

largely redundant. Given the proposal seeks to reintroduce a residential use into the property - that is residential in appearance, the development is considered to lead to an enhancement of the immediate setting - albeit minimal.

7.6 It is noted that planning permission was granted for the erection of a replacement dwelling which involved the demolition of the building in question. Whilst it would therefore result in a net gain of one dwellinghouse in the area, officers are of the view that it would be unreasonable to refuse planning permission in this instance as it would likely result in a redundant building in a prominent location, when its historic use is that of a residential dwelling and is residential in appearance.

7.7 Furthermore, in line with Policy 23 of the adopted Local Plan, Permitted Development Rights would be removed from the property on any planning permission that may be granted.

7.8 On balance, it is considered that the principle of development in this instance is acceptable, subject to all other planning matters being addressed.

7.9 Flood Risk and Drainage

7.10 As the proposal relates to the conversion of an existing building, the Sequential Test need not be applied.

7.11 The site lies within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (2017) shows the site as falling in the 'Danger to some' hazard category with predicted flood depths of up to 0.5m. The Flood Risk Standing Advice Matrix advises the following for this type of scenario:

7.12 *"The Environment Agency recommends that the proposal is accompanied by a Flood Risk Assessment which confirms that appropriate mitigation measures/flood resilience techniques have been incorporated into the development up to the predicted flood level (see Max Depth Map for 2115 scenarios).*

The FRA should aim to identify mitigation measures in line with those required for new build development of the same type, as far as this is practicable."

7.13 The requirement for a new build dwelling in this location would be that finished floor levels are raised to 0.5m above existing ground level. Floor levels could be raised, but the maximum height that could be achieved would be governed by the available ceiling height. It would also consequently impact the positioning of windows and doors, which there is not significant scope to alter due to the eaves height. In light of this and given the fact that the proposal includes a first floor and there would be no ground floor sleeping accommodation, it is considered that it would not be practicable to raise floor levels in this instance.

7.14 Concluding, therefore, the proposal does not wholly comply with Policy 4 of the Local Plan, but the Flood Risk Standing Advice matrix includes such a caveat for buildings to be converted that allows for floor levels of less than that normally required for a new build dwelling.

7.15 Highway Safety

7.16 As a result of the development, the property would change use from an office to a three bedroom dwellinghouse. In line with the Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (2019), two off-street car parking spaces are required to be provided within the curtilage of the dwellinghouse, which can be provided to the front of the dwellinghouse on existing areas of hardstanding.

7.17 It is worth noting the property would be accessed via an existing vehicular access off Brown's Gate.

7.18 As such, the proposal is considered to be acceptable in terms of highway safety and would be in accordance with Policy 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan

(2019)

7.19 Planning Balance

7.20 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.21 The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 23, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019), plus advice within the National Planning Policy Framework (NPPF, 2021). It is noted that planning permission H11-0372-16 included a condition to demolish the property in question in order to avoid a net gain of dwellings in the immediate area. However, given refusal of planning permission would likely result in a redundant building in a prominent location with a historic use as a dwellinghouse and is residential in appearance, officers are of the view that it would be unreasonable to refuse planning permission in this instance.

7.22 Conclusion

7.23 The proposal is considered to be in accordance with Policies 1, 2, 3, 4, 23, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), as well as the guidance within the NPPF and therefore officers recommend planning permission is granted.

7.24 **Additional Considerations**

7.25 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.

7.26 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.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to those conditions set out in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Application Form
   A1494-01
   A1494-31
   Planning Statement (Prepared by Mark Simmonds Planning Services, Feb 2022)
   Flood Risk Assessment (Prepared by Paul Hands Consulting Ltd, Aug 2021)

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

   i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
   ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
   iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

   Reason 1: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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Background papers:- Planning Application Working File

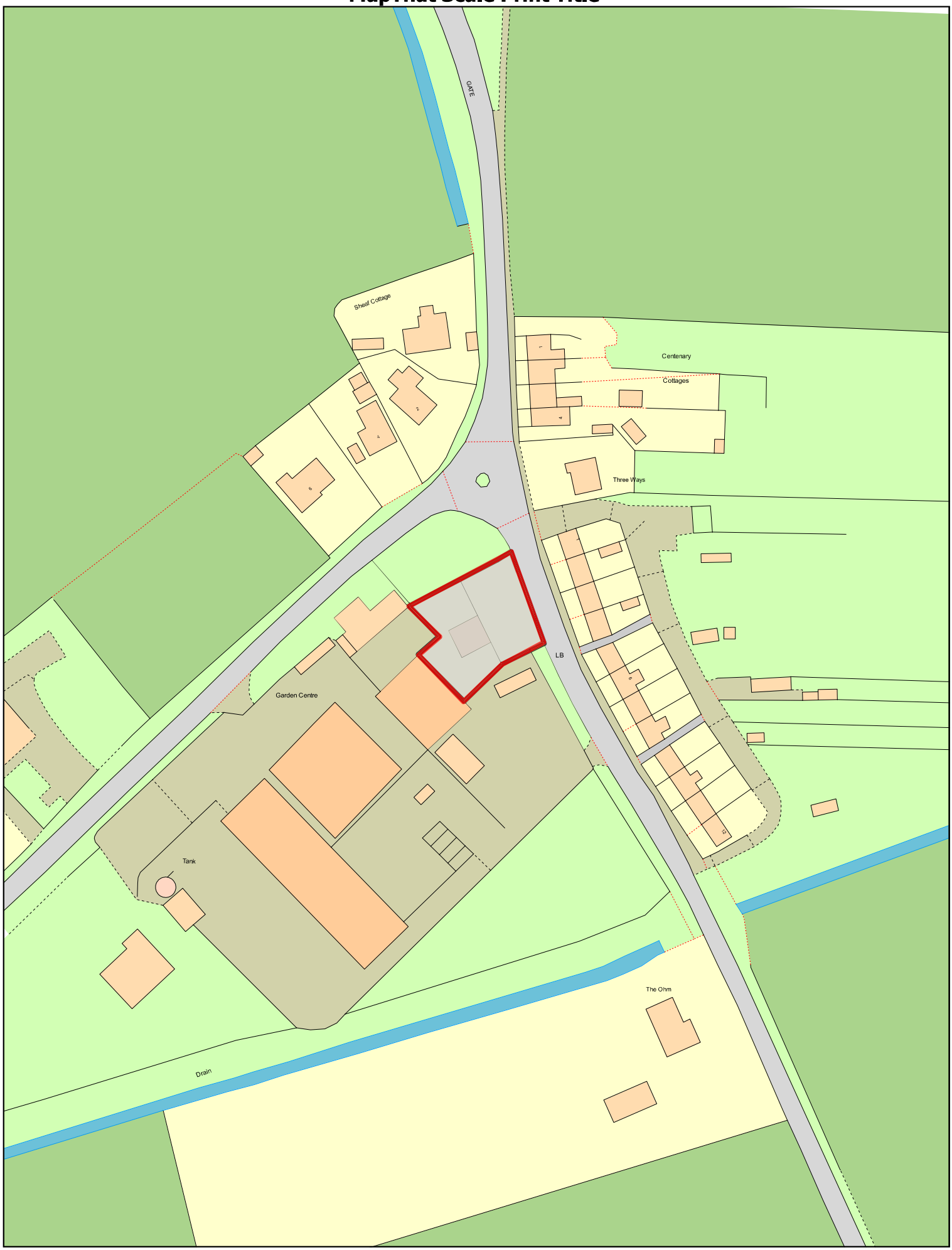
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



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