DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0792-21**	**Applicant:**	**Mr & Mrs J Tyrrell**
Proposal:	Conversion of packhouse building into dwelling including alterations		
Location:	Silverwood Garden Centre Browns Gate Long Sutton		
Terminal Date:	5th November 2021		

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
23	The Reuse of Buildings in the Countryside for Residential Use
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

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

SHDC INTERNAL	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the conversion of a packhouse building into dwelling (including alterations) at Silverwood Garden Centre, Browns Gate, Long Sutton.

The proposal is to convert the existing building into a three bedroom dwelling (for the applicant's daughter and family) through the creation of a first floor within the existing structure and internal alterations. External alterations would be limited to the introduction of dormer windows on the roof slope facing the garden centre complex and two new windows to the ground floor of that elevation. Two new roof lights would be installed on the road facing roof slope and an additional window added to the south-western elevation.

The existing courtyard area to the rear of the building would become the external amenity space for the dwelling in conjunction with part of the amenity space associated with the neighbouring former dwelling.

SITE DESCRIPTION

The application site accommodates a vacant building, which fronts St James Road, and includes a large grassed area to the north-east of the building, as well as a courtyard space to the rear and part of the amenity space associated with the neighbouring former dwelling. Vehicular access would be provided from the existing access on Browns Gate. The remainder of the garden centre complex is located to the rear and south-west of the building. There are residential properties on the other side of St James Road and further east on Browns Gate. There is a resolution to grant permission for 6 affordable housing units on land almost opposite (H11-0936-18) and there is a building immediately adjacent to the site that has been converted to offices and storage for the applicant's businesses by virtue of application ref. H11-0742-20.

RELEVANT HISTORY

H11-0595-03 - Change of use of packhouse to cafe and shop in association with existing garden centre (approved July 2003)

H11-0022-07 - Kitchen extension to existing cafe (approved March 2007)

H11-0686-10 - Extension to cafe opening hours - Monday to Saturday inclusive until 22:00 hours (appeal dismissed April 2011)

REPRESENTATIONS

Long Sutton Parish Council

OBJECTION : The proposed development is outside of the Planning Boundary as per the Inset Map No 07 of the South East Lincolnshire Local Plan. The site is perceived to becoming a residential development by stealth outside of the planning boundary and against the precedent set by SHDC in respect of previous applications within the settlement of Sutton Crosses in which the whole of the Silverwood Nursery's site is situated. In addition, the Council request that the following matters are also taken into account when the application is being considered to ensure transparency and consistency in relation to planning decisions.

REFUSALS DUE TO BEING OUTSIDE OF THE PLANNING BOUNDARY :

H11-0779-13 - 24 Wisbech Road Long Sutton Spalding PE12 9AG Erection of detached dwelling and associated works 03-09-13 OUTLINE REFUSAL

H11-0336-13 - 24 Wisbech Road Long Sutton Spalding PE12 9AG Dwelling and vehicular access 19-04-13 OUTLINE REFUSAL

PLANNING APPLICATIONS REFUSED IN SAME SETTLEMENT, SUTTON CROSSES, LONG SUTTON:

H11-1100-15 - Adj. To 6 St James Road Long Sutton Spalding PE12 9AZ Residential development - Erection of four dwellings 24-11-15 OUTLINE REFUSAL

H11-0934-20 - 4A Gimmels Gate Long Sutton Spalding PE12 9AS Siting of touring caravan - retrospective 19-10-20 FULL REFUSAL - APPEAL

H11-0828-19 - 4 Gimmels Gate Sutton Crosses Long Sutton PE12 9AS Use of land for siting of residential caravan/lodge 20-08-19 FULL REFUSAL

H11-0458-17 - Greendale Roman Bank Sutton Crosses Long Sutton PE12 9AT Erection of detached dwelling 09-05-17 OUTLINE APPEAL - REFUSED

H11-0682-20 - Bungalow 141 St James Road Long Sutton PE12 9BA Occupation of dwelling by persons not employed in agriculture (Condition 5 of EE17-67) 20-08-20 S191 LAWFUL USE CERT REFUSAL

H11-0936-18 - St James Road Long Sutton Spalding PE12 9AU Residential development - 6 affordable housing units 21-09-18 OUTLINE Undecided

H11-1100-15 - Adj. To 6 St James Road Long Sutton Spalding PE12 9AZ Residential development - Erection of four dwellings 24-11-15 OUTLINE REFUSAL

Planning permissions APPROVED outside of boundary as per Inset Map 07 of the South East Lincolnshire Local Plan and in the same settlement as the above applications - Sutton Crosses, Long Sutton:

H11-0742-20 - Silverwood Garden Centre Browns Gate Long Sutton PE12 9AU Change of use of dwelling to office/storage in connection with the business 08-09-20 FULL Approved

H11-0372-16 - Silverwood Garden Centre Browns Gate Long Sutton Replacement dwelling 19-04-16 FULL Approved Permission given with condition for original dwelling to be demolished prior to new dwelling being built - condition enforced

H11-0395-15 - Beech House 46 St James Road Long Sutton PE12 9AZ Replacement dwelling and detached garage - approved under H11-0712-14. Amendments to garage to allow 2 large doors in lieu of 3 single garage doors 30-04-15 NON MAT AMENDMENT Approved

H11-0712-14 - BEECH HOUSE 46 ST JAMES ROAD LONG SUTTON PE12 9AZ Replacement dwelling and detached garage 28-08-14 Full Approved NB: Permission H11-0372 -16 given as a replacement dwelling. Demolition condition not enforced but change of use permission given for existing dwelling despite objections that a precedent had been set by enforcing demolition condition

H11-0395-15 and H11-0712-14 in the same settlement area.

The dwelling in application H11-0742-20 is still inhabited despite permission being given for an office against the precedent previously set as detailed above.

In addition, the building description as a packing shed is misleading. The building was a former licenced cafe for many years and has been recently used as a retail unit for vintage furniture and other items and possible use by the Men's Shed which is accommodated on the site.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

Environment Agency

This proposal comes under cell E7 of the local flood risk standing advice and does not meet 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.

SHDC Environmental Protection (contaminated land)

No comments or objections.

SHDC Environmental Protection (noise)

No objection.

Public (1 objection, summarised)

Site not suitable for further residential development.

PLANNING CONSIDERATIONS

Principle

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.

The site is located outside of any settlement boundary defined in the South East Lincolnshire Local Plan, 2019 (SELLP). Policy 23 of the SELLP indicates that proposals for 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;
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;
3. the proposal is in keeping with 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
5. development leads to an enhancement of the immediate setting of the building.

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.

Addressing the above, the building appears to be structurally sound and external alterations are limited to the addition of a dormer along the rear facing roof slope and other minor elements of fenestration. Although the proposal would involve the addition of a first floor, all works with the exception of the dormer and roof lights would be internal. The only change to the road facing elevation would be the introduction of roof lights.

The building is not of architectural or historic merit and neither makes a positive or negative contribution to the character of the landscape. The building is read in the context of the wider garden centre site and there is no particular landscape character to contribute towards. Furthermore, the building does have the appearance of a residential bungalow and is not out of keeping with other existing dwellings in the vicinity.

In terms of point 5 of the policy, the building and land included within the wider site area is generally not unattractive in the first place. The area to the rear is the least attractive at present and the proposal would provide the opportunity to address this.

Taking the above into account, on balance, it is considered that the proposal satisfactorily complies with Policy 23 to a sufficient extent and is acceptable in principle.

Highways and Parking

The existing vehicular access on Browns Gate would be utilised. The Highway Authority have been consulted and do not wish to restrict the grant of permission on highway safety grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements will be acceptable.

Appendix 6 to the Local Plan sets out minimum vehicle parking standards and requires at least 2 spaces for dwellings of up to 3 bedrooms. The proposal is for these vehicles to park in the parking area associated with the offices adjacent, which are also in the ownership of the applicant. The number of vehicles that area is capable of accommodating exceeds the minimum standard of 4 spaces required for office use by the SELLP (based on the floor area of the building), whilst also allowing for two spaces for the proposed dwelling. It is therefore, on balance, considered acceptable in this regard.

Residential Amenity

The building sits at the front of the garden centre complex, with its principal elevation facing St James Road. The relationship with the existing dwelling opposite is tantamount to a normal frontage relationship.

A large grassed area is situated to the north-east of the building and there would be no amenity impact in that regard.

There is a building immediately adjacent to the site (south-east) that has been converted to offices and storage for the applicant's businesses by virtue of application ref. H11-0742-20. Such uses are generally considered compatible with a residential use and, given the size of that neighbouring building, the office/storage use is small in scale and will have a minimal if not no impact on residential amenity.

The remainder of the garden centre complex is located to the rear and south-west of the building. Although there would be some noise generated by this, it is expected that noise levels would be relatively minimal and, as it is suggested that the property will be occupied by the applicant's daughter and family, there will already be some appreciation by the future occupants of the nature of the adjoining business.

The existing courtyard area to the rear of the building would become the external amenity space for the dwelling in conjunction with part of the amenity space associated with the neighbouring former dwelling. This is a satisfactory arrangement.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

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

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:

"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."

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.

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.

Other Considerations

Long Sutton Parish Council have objected to the application and highlighted a number of applications that have been refused in the locality for development outside of a settlement boundary. In response to this, it is stressed that each application is determined on its own merits and a number of those applications quoted by the Parish Council were determined prior to the adoption of the current Local Plan.

The Parish Council have also commented that the description as a packing shed is misleading as other uses have taken place since. The applicant has advised that the use as a 'tea room' (granted consent under application ref. H11-0593-03) began in 2005 and it would appear that this use extended until at least 2010 on the basis of application ref. H11-0686-10 to extend its opening hours. The cafe has however since moved into another building in the garden centre. There is no further planning history for the building until the present application. The applicant has advised that the most recent use of the building was as a packhouse, although the legitimate planning use of the building remains as a cafe. Given that the cafe has been relocated elsewhere in garden centre site, there is no issue of loss of a community facility and the proposal remains acceptable in principle.

Planning Balance

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.

The proposal generally complies with the aims and objectives of Policies 1, 2, 3, 4, 23 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021. The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

CONCLUSION

The planning balance lies in favour of the proposal and satisfactorily complies with local and national planning policy.

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.

RECOMMENDATION

That the application be approved under delegated powers.

N.B. The application was presented to Chairman's Panel on 29th October 2021 and members were content for the application to be approved under delegated powers.