DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-1145-20**	**Applicant:**	**Mr & Mrs Jeffs**
Proposal:	Change of Use from office to residential dwelling		
Location:	Four Winds 3 Tydd Low Road Long Sutton		
Terminal Date:	10th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	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	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to determine whether prior approval is required or not for change of use from office to residential at Four Winds, 3 Tydd Low Road, Long Sutton, Spalding.

Site Description

The site location is predominated by large agricultural fields, thereby the area is mainly rural. Lowgate House and Wheatfields are the nearest properties 120 and 160 metres to the south of the site respectively.

Four Winds is a large two-storey detached Lincolnshire old farmhouse. To the rear of the house, there are some barns. Further to the rear, arable land for agricultural use.

History

None.

Consultation Responses

Environment Agency

No objection.

SHDC Environmental Protection Officer

No objection.

LLC Highways/SUDS Authority

No objection.

Planning Considerations

Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out the requirements and conditions on the basis of which proposals for change of use from office to dwellinghouse would constitute permitted development or not.

Paragraho 0.2(1) states that "development under Class O is permitted subject to the condition that before beginning the development, 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 toÃ?¢??

(a) transport and highways impacts of the development,
(b) contamination risks on the site,
(c) flooding risks on the site, and
(d) impacts of noise from commercial premises on the intended occupiers of the development, and
(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses
and the provisions of paragraph W (prior approval) apply in relation to that application"

The access and parking arrangements remain unchanged. Thus, the proposed change of use would not create any cumulative impact upon highway safety.

No contamination risks have been identified on the site.

The ground floor meeting room would be converted into dining room whilst the first-floor office rooms would become 3 no. bedrooms. The flood hazard on the site is relatively low ('Danger for Some') in accordance with Residual Flood Hazard South Holland District 2115 (1% fluvial/0.5% tidal). Should flood defences breach or be overtopped, the flood hazard would be higher but the bedrooms would be on the first-floor level given its higher vulnerability to flooding as habitable space within the dwelling. Such arrangement is deemed sufficient to ensure safety to the lifetime of the development and its occupiers in light of Environment Agency's guidance.

The area is mainly rural. The nearest properties are two further dwellings 120 and 160 metres to the south of the site respectively. There is no commercial premises or agricultural facilities in the setting of the dwellinghouse that could have an adverse impact upon the amenity of the future householders.

The front rooms would benefit from large bay windows facing east. The first-floor master bedroom would have standard-sized windows facing south. The proposed fenestration for the residential rooms would be appropriate to ensure adequate enjoyment of daylight o the house occupiers.

Conclusion

No objections have been received.

Having regard to the mentioned above, the proposals constitute permitted development in accordance with Class O of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior approval notification therefore will not be required by the Local Planning Authority before the commencement of works.

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.