DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-1221-21**	**Applicant:**	**Hallgate Timber**
Proposal:	Conversion of dance studio into holiday flat		
Location:	Red Mayes Farm Lime Walk Long Sutton		
Terminal Date:	28th January 2022		

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
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 2. Achieving sustainable development
Section 4. Decision-making
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	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission to change use of a dance studio into a holiday flat comprising 2no bedrooms, a bathroom and an open plan kitchen/lounge. The conversion relates to the extension directly behind the main Hallgate Timber building.

The proposal involves minor external alterations to include changing 2no doors in the side elevations to windows and changing 3no existing windows.

Site Description

The site is located on Lime Walk in Long Sutton. It is located outside any settlement boundary and within the open countryside. It comprises a number of buildings including residential and commercial. The site hosts Hallgate Timber which specialises in making quality bespoke garden buildings and supplying sheet material to the building trades and DIY.

From the front to the rear, there is one T-shaped long building, used for showroom/office use. The land extending from the northern side elevation is a show site of garden sheds and other company products. This show site is flanked by parking area and one outbuilding for storage. At the rear part of the site, one triple pitched industrial building used for timber operations comprising timber cutting, packaging, store, etc. The remainder of the land is hard-standing area. There are four residential properties that adjoin the entire site, No. 33 to the south and Nos. 37, 38 and 39 to the north.

History

H12-0580-20 - Proposed conversion of sales area to dance studio - Approved

H12-0193-18 - Proposed conversion of showroom to holiday flat - Approved

H12-0631-11 - Replacement of storage building with showroom and 2 holiday flats - Approved

Consultation Responses

LCC Highways/SUDS Authority

Does not wish to restrict the grant of permission.

Environmental Protection

No comments or objections following the screening assessment. These comments supersede any previous comments.

South Holland Internal Drainage Board

The proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Planning Considerations

Principle of development

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "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".

Policy 23 of the SELLP states 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.

Rural buildings can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under-used or become derelict, detracting from the visual character and quality of the designated Countryside.

However, not all buildings in the Countryside are suitable for conversion as they may be of insubstantial construction, of poor design or not in keeping with their surroundings. Buildings to be converted should be structurally sound and proposals which require significant extension, alteration or rebuilding will be not acceptable.

Addressing the above, the building in question appears to be structurally sound and no major external alterations are proposed.

The conversion details are considered to be acceptable and the retention and occupation of the building in its current form to use as a holiday flat would bring an otherwise unoccupied building into use and ensure its upkeep as empty buildings have the potential to become derelict overtime.

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

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed development proposed minor external alterations to the existing doors/windows. These are not considered to significantly or unacceptably alter the overall appearance of the building.

As such there would be no unacceptable impact on the character or appearance of the area.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed change of use is considered to reduce the impact on neighbouring amenity in terms of noise and traffic as the proposed single holiday flat would result in a less intensified use of the property.

All the openings are existing, albeit slightly altered therefore no new overlooking would result.

As such the proposal is not considered to result in any unacceptable impact on neighbouring amenity therefore it complies with policies 2 and 3 of the SELLP.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. 2no spaces for dwellings with up to 3no bedrooms should be provided within the curtilage. The existing parking area to the north-east of the property has sufficient space to accommodate this. As such the proposals would ensure minimum parking standards are achieved.

In addition, the County Highways Authority has not raised any objections to the proposed scheme.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The proposed development is not in a Functional Floodplain. It is located in the Passive Floodplain protected by defences to a 1 in 100 year return period, (1.0%)

Although the site is located within an Internal Drainage District with a minimum standard of drainage of 1 in 50 years, this accords with Defra guidelines for rural development. Freeboard to design water level of 900mm to lowest land level is available for events greater than 1 in 50 years providing further storage within the drainage channels.

On site rainwater from the development will be discharged to soakaways to BRE 365 design requirements.

Floor levels are as existing with flood resilient construction up to 1.00m above finished floor level to safeguard against the risk of flooding from tidal defences being breached in year 2115.

As such no flood risk measures are required and the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning balance

The principle of changing the use of the building to a residential setting is acceptable under Policy 23 of the SELLP as there are existing holiday lets on the site.

The external changes proposed are minor therefore the proposal does not materially harm the character or appearance of the locality.

The scheme would not harm the amenity of nearby residents as it would result in a less intensified use of the site and would reduce noise and traffic.

Floor levels are as existing with flood resilient construction up to 1.00m above finished floor level to safeguard against the risk of flooding from tidal defences being breached in year 2115 therefore there are no flood risk concerns.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 23, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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

The application can be approved under delegated powers.