

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0927-20 **Applicant:** Mr & Mrs K Goulden
Proposal: Change of Use from offices back to a residential dwelling
Location: Squirrel Lodge Horseshoe Road Spalding
Terminal Date: 10th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Part 3, Class O of the General Permitted Development Order (2015) (as amended)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a prior approval application for a change of use from offices back to a residential dwelling at Squirrel Lodge, Horseshoe Road, Spalding. The proposal does not seek any external alterations.

SITE DESCRIPTION

The proposal site is outside of the defined settlement limits of Spalding. The surrounding area is predominately rural, characterised by non-nucleated development of varying ages and design. The

proposal site is in Environment Agency Flood Zone 3, and is in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0226-01

Full - Blockwork and glass extension to main factory - Approved - 06 April 2001.

H16-0021-05

Full - Proposed extension with sunken dock and change of use of site to storage, packing, vegetable preparation and distribution - Withdrawn - 22 November 2005.

H16-0986-08

Full - Proposed replacement cold store - Approved - 18 November 2008.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

Requests an unexpected contamination informative.

Councillor Newton

No objections.

PLANNING CONSIDERATIONS

Assessment against Part 3, Class O of the General Permitted Development Order (2015) (as amended) - Offices to dwellinghouses

"O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

O.1 Development is not permitted by Class O if:

- (a) (removed by amendment to GPDO);
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order.
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) (removed by amendment to GPDO);
- (d) the site is, or forms part of, a safety hazard area;
- (e) the site is, or forms part of, a military explosives storage area;
- (f) the building is a listed building or is within the curtilage of a listed building; or
- (g) the site is, or contains, a scheduled monument.

Conditions

O.2 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 to:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the sit;
- (c) flooding risks on the site;

(d) impacts of noise from commercial premises on the intended occupiers of the development
(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."

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

- b) The building was being used for office purposes on 29 May 2013.
- d) The site does not form part of a safety hazard area.
- e) The site does not form part of a military explosives storage area.
- f) The building is not a listed building or within the curtilage of a listed building.
- g) The site does not contain a scheduled monument.

There is not considered to be a transport or highway impact from the development. The County Highways & SUDS Officer has no objections to the proposal.

There is not considered to be any contamination risks on site. The Environmental Protection Officer has requested a standard unexpected contamination informative.

There is not considered to be a flooding risk on site. The proposal site is in a low hazard flood zone.

No external alterations are to be made and it is considered that the current window arrangement will provide sufficient natural light to internal areas of the dwelling.

Environmental Protection have raised no objections on noise grounds.

PLANNING BALANCE

The proposal accords with all the criteria of Part 3, Class O of the General Permitted Development Order (2015). There are no further observations to make.

CONCLUSION

The 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.