

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 14 November 2023

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H23-0602-23

Application Number: H23-0602-23

Date Received: 03 July 2023

Application Type: FULL

Description: Change of use of dwelling into a Special Educational Needs (SEN) School, together with extensions & alterations to the buildings and associated works.

Location: DORCETTE HOUSE LITTLE LANE WHAPLODE

Applicant: DPS Education Ltd. (Mr L & Mrs D Seragusa)

Agent: Oglesby and Limb Ltd

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0602-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Local interest and conflict with the South East Lincolnshire Local Plan (2019) (SELLP)

2.0 PROPOSAL

2.1 This Planning Application is for the change of use of the existing dwelling into a Special Educational Needs (SEN) School, together with extensions & alterations to the buildings and associated works.

2.2 The proposal includes a large single storey infill extension to the existing property, positioned between and extended to the west of the existing main house and pool room. This parapet flat roofed extension would serve to create an entrance hallway and changing room to service the pool.

2.3 The extant house structure would be converted into a support facility, with the existing garage block to be converted to use as the school's classrooms. The work to the Garage Block would involve the installation of 4 additional matching rooflights upon the south facing roof pitch to provide light to the two 1st floor classrooms and additional ancillary room. Additionally, the existing garage doors would be bricked up, with the installation of new windows and doors upon the southern elevation to provide access and light to each of the two proposed ground floor individual classrooms and sensory room with W/C and shower room. The central portion of the southern elevation is also to be rendered, to match the colour of that upon the extant house. Additionally, a further access door would be installed on the eastern end of the southern elevation, to match the extant on the western end, both of these doors would provide internal staircase access to the 1st floor.

- 2.4 The whole site would not be serviced by clients via the existing vehicular access on Thorpe's Lane. Instead, following amendment it is proposed that a large, 17-bay car park would be located on the southern boundary to the site, and accessed via 2 paved vehicular accesses which would be culverted across the drainage dyke that runs parallel to Little Lane to the South. However, the extant, small parking area to the East of the site, accessed via Thorpe's Lane would remain open.
- 2.5 Finally, the existing timber outbuilding situated to the west of the existing pool building would be demolished without replacement.

3.0 SITE DESCRIPTION

- 3.1 Dorcette House is a large, mid-late C20th residential property, with outbuildings, situated on an expansive and open plot.
- 3.2 The area in general is sparsely developed, though some fellow residential development is situated nearby in the form of The Bungalow and Pine Lodge to the South and South West respectively, along Little Lane. Additionally, to the North of the site, both 'Harrington House' and Holly House (and associated farmyard) are situated. However, it should be noted that, for the exception of the Bungalow, all neighbouring properties are separated from the proposal site by considerable distances. The Bungalow, is situated directly opposite the proposal site along Little Lane. The next closest property is Holly House to the North which is situated approximately 50m, (measured boundary to boundary at their closest points), or 83m (measured elevation to elevation at their closest points) away.
- 3.3 The site is outside of the Defined Settlement Boundary as established under the South East Lincolnshire Local Plan (2019), and as such, apart from the small amount of additional residential development in the area, the immediate setting can be characterised largely as open countryside.
- 3.4 Both Little Lane and Thorpe's Lane are low volume, single track countryside lanes.

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 South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework (NPPF), 2023

Section 2 - Plan Making
Section 3 - Decision Making
Section 6 - Building a Strong, Competitive Economy
Section 9 - Promoting Sustainable Transport
Section 11 - Making Effective Use of Land

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 None relevant

6.0 REPRESENTATIONS

6.1 Local Residents

6.2 18 Letters of objection were received from a total of 8 local residents. This figure covers objections received during both the 1st consultation exercise and the 2nd, following the submission of an amendment. The content of these objections can be summarised like so:

- Local road network insufficient for the amount of proposed students and staff.
- Other developments in the area refused consent for Highways Safety concerns.
- Agricultural vehicles use Little Lane and Thorpe's Lane which would present a risk to traffic associated with the proposal thanks to no proposed inclusion of passing places.
- Concerns around the behaviour of the students and anti-social behaviour.
- Roadway unsafe for children and locals who walk along Little Lane.
- Loss of trees detrimental to local character.
- Little to no economic benefit.

6.3 Lincolnshire County Council Lead Local Highways and Flood Authority

6.4 Initially, Highways Authority provided the following request for additional information

"The Application Site is accessible only by single-track roads with narrow verges. The highway authority has concerns about these roads, and in particular the parts of the road around the access to the site which is on the junction of Thorpe's Lane with Little Lane, being able to safely accommodate the vehicle and pedestrian activity associated with arrivals and departures of bringing the pupils to and taking them from the proposed school and disembarking and embarking those pupils in addition to the lawful use of this part of the highway network by neighbouring residents and businesses, their visitors and other road users. The authority is also not convinced that the parking and manoeuvring space available within the site would be sufficient for the proposed use and that vehicles would therefore be likely to be parked on the narrow carriageways and highway verges in the vicinity of the site, to the detriment of the safety and free passage of other road users. The Application Site has a frontage to Little Lane. Is there any scope for the creation of a new entrance into the site from Little Lane that would facilitate safe and suitable access together with providing sufficient space for on-site disembarking, embarking of pupils and the manoeuvring and parking of vehicles, so that these activities do not occur on the public highway?"

Following consultation between the applicant, the case officer and the LCC Highways Authority, the applicant was able to provide an amendment to the proposal designed to address the concerns raised above. Following receipt of this amendment, the Highways Authority offered the following updated comments, indicating no objection:

"The Application Site is still remote from the edge of the nearest settlement boundary and is still served by generally single-track roads. However, following discussions with the Agents and receipt of the amended Site Block Plan, the highway authority considers there to be insufficient cause for withholding the grant of Consent for this Application on highway grounds. The submitted details provide explanation for why a remote location is so important for the type of facility being proposed, and the Agents' have provided further clarification on the particular nature of pupils' transportation to and from the site. Whilst this will still involve the use of the narrow minor roads around the site, the topically sporadic and infrequent occurrences of those journeys, in the immediate vicinity of the site, consequent upon the greater distances having to be travelled between pupils' homes and the facility, means that there would not be the same concentration of movements at the start and end of the day that would be typical of a more conventional education facility. The impact of this school traffic upon the movement of other users is not therefore considered to be of such a degree that safety would be unacceptably harmed. The amended Site Block Plan includes not only additional vehicle parking and manoeuvring space within the site but also separate entrance and exit on a different road to the site's existing accesses. This would greatly reduce the likelihood of vehicles being parked or be waiting on the public highway and of pupils being disembarked or embarked on the highway, where they would be a hazard to other road users. In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with the Condition and

the Informative below, the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application."

6.5 South Holland Internal Drainage Board

6.6 No objections issued. Reminds the applicant that they have a duty to comply with Byelaws 3 and 10, as well as Section 23 of the Land Drainage Act (1991).

6.7 Whaplode Parish Council

6.8 Both before and after the amendment re-consultation, the Whaplode Parish Council expressed concerns regarding the attraction of increased traffic movements to a narrow lane with regular farm traffic. They urged the Local Highways Authority to consider upgrading Little Lane before development may be permitted.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Policy 7 of the South East Lincolnshire Local Plan (2019)

7.3 This proposal seeks to create a commercial use via the reuse of an existing residential property in the open countryside. Because of the proposed use, this application must be considered under the guidance of Policy 7 of the SELLP.

7.4 As the proposal site is not within any employment area established by the Policies Map of the SELLP, it can be categorised by policy 7 under the 'other employment sites' section of that policy.

7.5 Policy 7 (other employment sites) of the SELLP confirms the following:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported, provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;*
- b. there is no significant adverse impact upon the character and appearance of the area;*
- c. the design is responsive to the local context;*
- d. there will be no significant adverse impact on the local highway network;*
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and*
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map"*

7.6 Although no demonstration has been provided by the applicant to this effect, it is plainly observable that this proposal would pass sections a, b, c, and e of the above policy requirements. Compliance with sections d and g can be justified and will be discussed in greater detail later in this section of this report.

7.7 The proposed physical works outlaid in the 'Proposal' section of this report are not considered to be detrimental to the character of the immediate setting. By proposing a relatively small scale of alteration to the extant structures in manners which are both reasonable and contextual to the existing relatively modern architectural style of the existing structures on site, the proposed structural and aesthetic alterations and additions on site would not appear to be out of context, and owing to their small scale, would not appear to create a visual strain on the setting. The

host property itself is not considered to be of great aesthetic value to the setting or worthy of special preservation, and as such, the relatively inoffensive and low intensity nature of the proposed works are not considered to be harmful to the wider setting or context. Furthermore, whilst the proposed use may lead to the generation of some additional noise and traffic, this impact would be exclusively limited to daytime, business hours and would not be considered to be undue or unreasonable. Otherwise, the proposed use would be relatively insular and self-sufficient, and therefore not bear any materially harmful impacts upon any neighbouring land uses, be they residential or agricultural. For these reasons, the proposal is deemed to be in accordance with sections a, b and c of Policy 7 of the SELLP.

- 7.8 Furthermore, the proposal is not considered to impinge upon the ability to deliver any allocated employment sites, as the site doesn't seek to utilise land which is currently identified as commercial in nature. This means that the proposal passes section e of Policy 7.
- 7.9 The proposal seeks permission for the establishment of a business use which services clients on site and at scale, with staff. As such, the Local Planning Authority anticipates that the proposed development would lead to client and staff traffic arriving on site frequently. Furthermore, the site is in an isolated location, with regular long distance access only achievable via the use of private motor vehicles. By presenting a capacity risk to the local road network and also by being proposed in an isolated location, the proposal risks a conflict with sections d & f of Policy 7. However, following an amendment made to the original proposal which makes adequate provision for short stay vehicle parking and for vehicle turning, the Local Highways Authority has confirmed that it does not consider the potential of traffic generation in relation to this site to be unacceptably harmful and also confirmed that it considers the proposed vehicular parking and accesses to greatly reduce the likelihood of vehicles being parked or be waiting on the public highway and of pupils being disembarked or embarked on the highway, where they would be a hazard to other road users. Therefore, the Local Planning Authority considers that the proposal, on balance, satisfies sections d & f of Policy 7.
- 7.10 Finally, as previously discussed, the site is not within any established employment site, and is situated in a location considered to be a part of the countryside as per planning consideration. However, the applicant has provided justification for this within their Design and Access Statement, which argues that the school will provide specialist therapeutic education and it is key that this is delivered in a setting that is not urban. The siting in a rural location is of significant benefit to the pupils who generally are unable to progress in a standard school setting. Education on the site needs to be able to relate more closely to nature and the natural environment that is found in rural locations.
- 7.11 In consideration of the above, it is determined that, on balance, the provided justification satisfactorily identifies an exceptional need for an enterprise of this type to be situated in an isolated and non-designated setting, such as it is necessary for the provision of the proposed services, which address a key educational need. As such, the Local Planning Authority is satisfied that the provided justification proves compliance with section g of Policy 7.
- 7.12 In summary, the Local Planning Authority considers that, upon consideration of the balance of probabilities, the proposal satisfactorily addresses all of Policy 7's requirements and therefore complies with this policy.
- 7.13 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019)
- 7.14 The Local Planning Authority does not wish to object to the proposed design or layout of this proposal. The proposed design in both the extension and the various alterations are not considered to be either overwhelming or inappropriate to the setting.
- 7.15 The proposed design of any development must be judged under the guidance of Policies 2 and 3 of the SELLP. Policy 2 states the following (irrelevant sections have been omitted):

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;

2. quality of design and orientation;(...)

4. access and vehicle generation levels;

5. the capacity of existing community services and infrastructure;

6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;

7. sustainable drainage and flood risk;(...)"

7.16 Additionally, Policy 3 states the following (sections irrelevant to this proposal have been omitted):

"All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;(...)

3. the landscape character of the location;

4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;

5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;(...)

11.residential amenity;

12.the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);(...)

14.the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling; (...)"

7.17 The proposed design is not considered to be inappropriate to the setting, being of modest impact and in relative sympathy with the extant, relatively modern design of the host property. Furthermore, the proposed alterations are small in scale and any additional structures are exclusively single storey in nature limiting the visual impact upon the site, which is and shall remain largely curtailed from public view by a large quantity of trees and tall hedging. It is proposed that a small amount of the existing poplar trees along the southern boundary shall be removed in order to create the proposed new vehicular accesses along Little Lane. However, these are not subject to any preservation order and the limited removal is deemed to have no impact upon the visual amenity of the area, as the existing lines of planting shall remain largely intact. Therefore, the proposal successfully passes sections 1 and 2 of Policy 2 as well as sections 1, 3 and 14 of Policy 3.

7.18 With regard to section 4 of Policy 2 and sections 4 and 5 of Policy 3 , as discussed in the previous section of this report, following the amendment to this proposal, neither the Local Planning Authority nor the Local Highways Authority consider that there will be undue and unjustified strain upon the local road network caused by this proposal, and vehicle generation levels will be passively restricted via a condition limiting both pupil and staff numbers at the proposed facility.

7.19 The proposed change of use would have no appreciable impact upon any existing community services or infrastructure. Indeed, it can be reasonably argued that by increasing the provision for SEN students in our area, this proposal helps to relive pressure upon existing schools in the

area. Furthermore, as previously discussed in respect of residential amenity, it is accepted that there would likely be some noise generation associated with the proposed use, in terms of both pupil noise and the standard comings and goings of a commercial enterprise. However, it is not considered that this impact will be unacceptably harmful, as noise generation is likely to be limited and restricted to the school's opening hours, during daytime hours in the week. Therefore, this satisfies sections 5 & 6 of Policy 2, as well as section 11 of Policy 3.

7.20 The site is largely situated within Flood Risk Zone 1 (lowest risk). However, a small section of the western end of the plot is within Risk Zone 3 (highest risk). Whilst none of the proposed development seeks works or structures of any kind to be situated in this area of the plot, a Flood Risk Assessment has been submitted. It should be noted that the site will no longer be of any residential use, and as such, residential use will no longer be permitted at this site. However, despite this, the associated Flood Risk Assessment has identified that for the purposes of mitigation that finished floor levels should be no lower than they are currently and that the new structures on site should be made flood resilient to a height 0.3m above finished floor level. This will be secured via means of a condition, and therefore, in addition to the fact that the Local IDB has raised no objections, the proposal can be considered to satisfy section 7 of Policy 2, section 12 of Policy 3 and by extension, the entirety of Policy 4 of the SELLP.

7.21 For the reasons above, this application is deemed to be in accordance with both Policies 2, and 3, in addition to 4 of the SELLP.

7.22 Planning Balance

7.23 It is accepted that this proposal site is within a less conventional location, isolated with low capacity road access. However, in this instance, the applicant has demonstrated, via amendment to the proposal, mitigation of the traffic and road capacity impacts of this proposal to the point of satisfaction of the Local Highways Authority. Whilst, under the controls of Policy 7 of the SELLP, a commercial enterprise would not normally be justified in this location, the applicant has provided satisfactory justification for the need for such a use to be in a rural, isolated location, which is essential to service the SEN capacity of this proposed educational facility. Therefore, because the proposal otherwise satisfies Policies 2, 3 and 4 of the SELLP, this is considered that this proposed use represents an acceptable exception and therefore satisfies section 9 of Policy 7. Resultantly, on balance, it is considered that this proposal is acceptable.

7.24 **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.

8.0 RECOMMENDATIONS

- 8.1 Grant permission subject to the conditions listed at 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 and/or documents:

Flood Risk Assessment
A1672-01 Rev P1
A1672-03 Rev P1
A1672-04 Rev P1
A1672-12 Rev P1
A1672-13 Rev P1
A1672-20 Rev P1
A1672-21 Rev P1
A1672-22 Rev P1
A1672-30 Rev P1
Arb Impact Assessment
A1672-10 Rev P2
A1672-23 Rev P2
A1672-24 Rev P2
A1672-DA Rev P2

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

3. The capacity of the development hereby approved shall at no point exceed a total of 32 students and 15 staff, as outlined in the supplied Design and Access Statement

Reason: In the interests of the preservation of local residential amenity and to prevent excessive harm upon the capacity of the local road network.
This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019)

4. The existing vehicular access upon Thorpe's Lane shall be limited to staff use only and therefore, client, customer or delivery traffic shall access the site by vehicle exclusively via the proposed accesses on Little Lane.

Reason: To prevent excessive harm to the capacity and safety of Thorpe's Lane.
This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

5. The hours of operation shall be restricted to 07:00 - 19:00 Monday to Friday.
- Reason: In the interests of preserving local residential amenity by avoiding excessive noise generation outside of reasonable hours.
This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
6. 2 swift nest bricks shall be incorporated within the external walls of the extension hereby approved and shall be retained thereafter.
- Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.
7. 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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.
- This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>
8. Your attention is drawn to the letter from South Holland Internal Drainage Board dated 25/09/2023. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

