

Development Management Delegated Decision Report

B/21/0442



SUMMARY OF APPLICATION

Application Reference	B/21/0442		
Application Type	Full Planning Permission		
Proposal	Proposed Change of use from village hall to residential dwelling		
Location	Village Hall, Davids Lane, Benington, Boston PE22 0BZ		
Applicant	Miss Rachael Grant		
Agent	Mr Simon Robinson, Studio 21 Design Ltd		
Received Date:	06-Oct-2021	Consultation Expiry Date:	28-Dec-2021
Valid Date:	06-Oct-2021	Statutory Expiry Date:	01-Dec-2021
Date of Site Visit:		Extension of Time Date:	14-Jan-2022
Objections received?	No		
5 day notification record:	N/A		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve		
Report by:	Consultant Planning Officer		
Date:	07/01/2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a former village hall and associated grounds in the village of Benington. The building is single storey with timber cladding, tiled roof and white Upvc windows. Residential properties surround the site to the east, west and north with agricultural land located to the south.

DETAILS OF PROPOSAL:

The proposal includes the conversion, including extensions and alterations to the building to provide a single dwellinghouse. Full plans and 3D visuals are provided to identify the design of the proposed scheme.

The footprint of the building is largely to remain the same. The only additional area of footprint is an entrance/ porch area located to the side of the existing building, which is limited to 1.685m in depth from the side elevation and runs along the side of the existing building for 5.787m.

The key alteration to the form of the existing building is a first floor extension to the rear of the building, which enables a first floor bedroom space. The proposed roof profile of the rear first floor extension follows the pitch of the proposed roof on the single storey part of the building



located to the front of the plot. The first floor extension sits above the flat roofed element to the rear of the building and part of the pitched roof section of the building. The two storey element is 7.145m to the ridge and 4.760m to the eaves. High level rooflights are proposed in the western elevation of the first floor extension and in addition windows proposed in the western elevation of the single storey element are also high level.

It is proposed to use the existing vehicular access from David's Lane. Black painted timber cladding is proposed for the walls and a zinc covering for the roof.

RELEVANT HISTORY:

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management;
- Policy 3: Design of New Development; and
- Policy 4: Approach to Flood Risk

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the National Planning Policy Framework 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

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National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Environmental Health (7th October 2021): Environmental Health have no objections to this application.

Witham Fourth Internal Drainage Board (11th October 2021):

1. A Board maintained culverted watercourse exists on the north east boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT applies: No person may erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow, or other similar growth within 9 metres of the top edge of the watercourse/edge of the culvert without the prior consent of the Board. Please note the Board will not consent any permanent to temporary construction within the 9 metres BYELAW easement.

2. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please contact the Board for more information.

3. Board's consent is required to discharge treated water to a watercourse (open or piped).

4. Board's Section 23 consent is required to culvert, pipe, or bridge the watercourse.
5. If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.
6. SUDS/drainage response sent to LCC.

Benington Parish Council (13th October 2021): The above was discussed at the Parish Council meeting held on the 11th October 2021 with no objections.

Lincolnshire County Council Highways Authority and Lead Local Flood Authority (27th October 2021):

Does not wish to restrict the grant of permission.

The proposal is for the change of use from village hall to residential dwelling and it does not have an impact on the Public Highway or Surface Water Flood Risk.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

Environment Agency (29th October 2021): In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Lincolnshire County Council Highways Authority and Lead Local Flood Authority (9th December 2021) – following revised Flood Risk Assessment being submitted and amendments to plans to respond: Please be advised that the amended plans and details for the above application are considered acceptable with the Highway and Lead Local Flood Authority.

Witham Fourth Internal Drainage Board (13th December 2021) – following revised Flood Risk Assessment being submitted and amendments to plans to respond: I have no further comments to add to our previous response sent 11th October 2021 (copy enclosed).

Benington Parish Council (20th December 2021) – following revised Flood Risk Assessment being submitted and amendments to plans to respond: The Parish Council has again discussed this application, now with the amended plans and details and have no objections.

Environment Agency (30th December 2021) – following revised Flood Risk Assessment being submitted and amendments to plans to respond: We have reviewed the revised flood risk assessment (FRA) and consider that it meets the National Planning Policy Framework's requirements in relation to flood risk. Subject to a planning condition to secure the mitigation against flood risk, we therefore withdraw our previous objection, dated 29 October 2021.

THIRD PARTY REPRESENTATIONS RECEIVED:

None.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regard to this application are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Flood risk
- Highway safety and parking
- Local environment implications
- Biodiversity and ecology

Principle of Development

Policy 1 of the Local Plan sets out the Spatial Strategy. Benington is identified as an 'Other Service Centre and Settlement' under this policy where it states that:

'Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.'

Inset Plan 32 identifies the application site as being within the settlement boundary of Benington.

The loss of the village hall has to be considered as part of the assessment as to the principle of development. SELLP Policy 32 states that redevelopment or change of use of an existing community facility will be permitted only if:

1. an assessment has been undertaken which has clearly shown that the facility is:
 - a. surplus to requirements; or
 - b. not economically viable; or
 - c. unfit for purpose; and
 - d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or
2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location;

Part 3 relates to a sport facility and recreational open space which is not applicable in this case.

However, the use of the building as a village hall has ceased due to the conversion of the All Saints Parish Church into a community hub that serves the local community, now known as

Beonna at All Saints which was approved Listed Building Consent and planning permission respectively under:

- B/15/0002 – Listed Building Consent – Alterations to Grade I Listed Church to allow conversion – Approved 15th April 2015
- B/15/0003 – Conversion of Church to community facility – Approved 13th April 2015.

The new community hub space and Beonna is now operational and as such is a material consideration against the loss of the hall and part 2 of SELLP Policy 32. Due to the size of the settlement and the provision of this alternative community hub, it is considered that the loss of the original village will not leave the community without adequate community space provision.

The application is supported by a structural statement that identifies the general condition of the building, confirming that the author of the report is of the opinion that the existing roof and external wall envelope could remain and form the basis of a renovation scheme.

On this basis, and given the site re-uses a redundant building within the settlement boundary, it is considered to be acceptable in principle and in compliance with the requirements of Policy 1 and 32 of the Local Plan.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal largely utilises the footprint of the existing building on site, with only a small additional side extension to create a covered entrance into the building. The extent of the built form is therefore largely already accepted in the street scene.

The proposed front elevation largely replicates the existing characteristics. The first floor extension is set back to the rear of the building (approximately 24m away from the back edge of David's Lane) and is limited in height to 7.145m in height. Given that the single storey element to the front is proposed at 5.425m in height and the roof profile is sympathetic, the first floor extension is considered to not have a significant impact on the character and appearance of the street scene.

The context of the surrounding built form is two storey dwellings to both sides and directly opposite. There is also a bungalow and single storey outbuildings adjacent and opposite. This mix in character and scale of surrounding residential properties means that the proposed conversion and extension will be in keeping with the overall character of the built form within the local context.

The proposal is therefore considered to respond appropriately in its design to ensure that the character and appearance of the area is not impacted on in a detrimental way.

Impact on residential amenity

Policy 2, 3 and 30 of the SELLP seeks to ensure that new development does not have a significant impact on neighbouring land uses, including residential amenity.

The extent of the built form is an existing feature as it currently stands. Due to the proposed addition of the first floor extension to the rear, the single storey extension to the side and alterations to the fenestration, it is important the impact on the amenity of neighbouring residential properties is assessed.

Effect on Oakdale

The first floor extension is largely aligned with the side (western) elevation of this property, although part does extend further south. Given its positioning in close proximity to both the existing building and the alignment with that of the neighbouring property, it is considered to not pose an overbearing form of development. The proposed rooflight is situated in line with the corner of the neighbouring dwelling and is separated by a gap of 13m. The neighbouring property has a blank side elevation at first floor level and therefore the impacts on privacy are limited. New and altered fenestration are situated at ground floor level also along the eastern elevation, however, given the boundary treatments in place it is considered that this element of the proposal will not cause a significant impact in terms of overlooking.

Effect on Evergreen

The relationship with the neighbouring property to the west is already established, however the first floor extension will increase the height of the built form along the western boundary. The increase in height is limited to 1.72m in terms of ridge height, above the single storey pitched element of the proposal. There is a separation distance of approximately 23m from the rear elevation of Evergreen and the side elevation of the proposed first floor extension (Evergreen is orientated with the principal elevation facing west). Outbuildings serving Evergreen are located adjacent to David's Lane on the boundary with the application site. Whilst there is more of a significant increase in height, given the existing flat roofed rear element currently in situ, it is considered, given the existing situation and the separation distance from the neighbouring property to the west, that there will not be a significant overbearing impact.

The ground floor windows proposed in the western elevation of the proposal are high level windows to allow light to serve the internal space only, with no opportunities for outlook over the neighbouring garden space. The proposed rooflight serving the bedroom at first floor level along the western elevation is also at a high level, limiting any impact of overlooking. Two small rooflights are also proposed to serve the en-suite bathroom. Given the angle of these windows and the room that they serve it is considered that these will not pose a significant detrimental impact in terms of overlooking.

Consideration of effect

The large glazed panels proposed in the rear elevation will directly overlook the proposed garden area to the south that will serve the proposed dwelling. The proposed garden has a depth of approximately 41m.

No third party objections have been received.

On balance therefore, the proposal is not considered to have a significant detrimental impact on the amenity of neighbouring residential properties.

Flood risk

Policy 4 of the SELLP sets out the approach to flood risk to be taken. The South East Lincolnshire Strategic Flood Risk Assessment March 2017 (SFRA) provides the evidence base for Policy 4. The site lies within hazard rating Danger to Most with predicated tidal breach depths of 0.5m-1.0m.

Initially the Environment Agency objected to the proposal due to the Flood Risk Assessment not adequately complying with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The initial Flood Risk Assessment stated that the ground floor sleeping accommodation finished floor level would be raised to 4mAOD, whilst the new extension for the kitchen will be built to match existing floor level of the village hall at 3.54mAOD. The Environment Agency acknowledged that this is a change of use and new extension but as the ground floor sleeping accommodation finished floor level has been raised, we require the whole ground floor to be raised to 4mAOD as this is classed as habitable and the current proposal does not fully mitigate against the flood risk to this site.

A revised Flood Risk Assessment was submitted along with amended plans to respond to the Environment Agency and new consultation was carried out.

The Environment Agency have removed their objection on the basis of the amendments and have requested a condition be attached if planning permission is granted. The proposal is therefore considered to comply with the requirements of Policy 4 of the Local Plan.

Highway safety and parking

Policy 36 and Appendix 6 of the SELLP relate to vehicle and cycle parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms.

There is sufficient space identified for parking and turning within the application site. The Highway Authority have been consulted and have raised no objections.

Local environment implications

SELLP Policy 30 requires the issue of air quality to be considered as part of any application. SELLP Policy 31 seeks to ensure that developments consider the consequences of climate change and how to address minimised and mitigate the effects.

It is considered that the development would not give rise to a significant level of air pollution. However, it is a key theme of the NPPF that developments should enable future users to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided. Although the Council is currently developing specific guidance, it is expected that there would be a degree of travelling motor vehicles which would affect air quality.

It is considered appropriate mitigation measures could be secured by condition to mitigate the impact on the local environment to include measures that would actively contribute to reducing the impact on air quality and the wider causes to climate change. This would therefore satisfy SELLP Policy 30 and 31.

Biodiversity and ecology

SELLP Policy 28 seeks to provide an overall net gain in biodiversity protecting the biodiversity value of land, buildings and trees, maximise opportunities to enhance natural habitats and species and incorporate beneficial biodiversity conservation features and will provide new habitat and help wildlife.

It is considered appropriate mitigation measures could be secured by condition to enhance the local environment and include measures that would enhance the visual amenity of the site maximising opportunities to incorporate beneficial biodiversity conservation features. This would therefore satisfy SELLP Policy 2, 3 and 28.

CONCLUSION:

The proposal would see the re-use of the redundant building that was previously used as a village hall. Community provision has been provided elsewhere within the settlement that is considered appropriate in scale, meaning that the site can be re-used for an alternative use. The site is located within the settlement boundary of Benington and is therefore acceptable in principle.

The proposed design is considered to comply with the requirements of Policies 2 and 3 of the Local Plan and it is considered that there will not be significant detrimental impacts on the amenity of neighbouring residential properties. No third party objections have been received and the Parish Council have raised no objections.

The proposed development would therefore comply with the South East Lincolnshire Local Plan and is recommended accordingly.

RECOMMENDATION:

Approve subject to conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	No	Agreed with applicant/agent - Date:	N/A
1	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 06-October-2021 and in accordance with the associated plans and documents referenced:</p>		

	<ul style="list-style-type: none"> • Site Location Plan located on Drawing No. 14-449-01 received 6th October 2021; • Proposed Plans – Drawing No. 14-449-03 Rev H received 7th December 2021; • Proposed Elevations – Drawing No. 14-449-04 Rev E received 7th December 2021. <p>Reason: To ensure that the development is undertaken in accordance with the approved details and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
3	<p>The development shall be carried out in accordance with the submitted flood risk assessment by S M Hemmings, dated 01 December 2021, Revision A and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 4 metres above Ordnance Datum (AOD). • Flood resilient and resistant construction techniques should be used up to a height of 300mm above predicted flood level. Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007). • Demountable defences are provided at a height of 600mm to cover all ground floor doors. <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.</p>
4	<p>No development relating to the erection of the dwarf wall that forms part of the approved scheme shall take place until details of the brick proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the new building is in keeping with the character of the building / area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
5	<p>No development relating to the replacement of the existing roof covering or erection of the new roof that forms part of the approved scheme shall take place until details of the cladding/materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the new building is in keeping with the character of the building / area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

6	<p>Before any works above the damp proof course full details of hard and soft landscaping works shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> a) boundary treatments b) hard surface materials c) minor structures d) planting schedules (species, sizes densities) e) existing trees to be retained/removed f) details of biodiversity, environmental and landscape enhancement measures g) timetable for implementation of items a-f above h) maintenance plan/schedule relating to items a-f above <p>The approved works shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan 2011-2036.</p>
7	<p>No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> • The number of charging points; • Location of charging points; • Specification of charging points; • Timetable for the implementation of the above measures. <p>The development shall then be carried out in strict accordance with the approved details.</p> <p>Reason: In the interests of promoting sustainable transport in accordance with Section 9 of the National Planning Policy Framework 2021 and Policy 31 of the South East Lincolnshire Local Plan 2011-2036.</p>
8	<p>All surface water from the development hereby approved shall be collected and discharged through a soakaway scheme. If it is found that the use of a soakaway is not suitable in this location, details of the alternative proposed scheme for discharge of surface water must be submitted to and agreed in writing by the Local Planning Authority prior to any works taking place. Before the development hereby approved is brought into use the agreed scheme must be fully implemented and thereafter so maintained.</p> <p>Reason: To ensure the development is not at risk of flooding and does not increase the risk of flooding elsewhere, in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan 2011-2036.</p>
9	<p>The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p>

	<p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p>
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no additional windows other than those hereby approved shall be inserted in the western elevation.</p> <p>Reason: To protect the privacy of residents in adjoining or nearby property in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
Please note the initial response from Witham Fourth Internal Drainage Board received on the 11 th October 2021.	
<p>The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.</p> <p>For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-forflooding. To get help during a flood, visit https://www.gov.uk/help-during-flood. For advice on what do after a flood, visit https://www.gov.uk/after-flood.</p> <p>It is advised that a Flood Warning and Evacuation Plan is produced for the development in order to address the residual risks of flooding at the site and to confirm the approach that will be taken for safe evacuation of the area.</p>	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	