

# Supporting Statement

**Application for Prior Approval for a Proposed Change of Use of a Building and Any Land Within Its Curtilage, Under Class O (formerly Class in the 1995 Order) from a Use Falling Within Use Class B1(a) (offices) to a Use Falling Within Use Class C3 (dwellinghouses) of the Town and Country Planning (General Permitted Development) Order 2015.**

**At**

**Land Adjacent to Beck Lodge, New Hammond Beck Road, Boston PE21 7JD**

**For**

**Mr A Linkauskas  
Beck Lodge, New Hammond Beck Road, Boston PE21 7JD**

Project Number: 2020-0025

March MMXXI

**m i s u r a**

ARCHITECTURALDESIGN

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## 1.0 INTRODUCTION AND POLICY BACKGROUND

1.1 This application seeks approval for Application for Prior Approval for a Proposed Change of Use of a Building and Any Land Within Its Curtilage, Under Class O (formerly Class in the 1995 Order) from a Use Falling Within Use Class B1(a) (offices) to a Use Falling Within Use Class C3 (dwellinghouses) of the Town and Country Planning (General Permitted Development) Order 2015.

1.2 Class O allows for development consisting of:

- (a) change of use of a building and any land within its curtilage from a use as B1 office building to use falling within class C3 (dwelling houses) of the schedule to the Use Class Order.

It must be pointed out that, unlike the changes permitted by Clause M, N and Q the development permitted by Class O does not include any building operations in connection with the residential conversion of the building. Any such works therefore require planning permission, unless they are exempt from the definition of development by virtue of section 55(2)(a) of the 1990 Act, because they affect only the interior of the building, or do not materially affect the external appearance of the building. However, there is nothing to prevent a planning application for any such additional development being submitted at the same time as (or after) a prior approval application for the residential conversion of the existing premises. Planning Appeal in London SW8 (WandsworthLBC) 2015 (3011931).

1.3 There are some things attached to the change to residential use. Before beginning the development, and individual will need to apply to the local planning authority for determination as to whether the prior approval of the local planning authority is necessary for the change of use (Part 3, Class W of Schedule 2 of the GPDO) This prior approval is in respect of transport and highways impacts of the development, contamination risks on the site and flooding risks on the site, and the provisions within paragraph W of The Town and Country Planning (General Permitted Development) (England) Order 2015.

1.1 The permitted development rights do not differentiate between the age, type or appearance of any buildings which might be suitable for conversion.

1.2 Given the variance in decisions being made by both LPA's and inspectors, the Department for Communities and Local Government (DCLG) published further guidance on the Planning Practice Guidance (NPPG) web site on 5<sup>th</sup> March 2015 confirming that

- LPA's are to consider the NPPF only where it is relevant to the matter on which Prior Approval is sought e.g Transport/Highways and Noise etc.
- Confirmation that Permitted Development Rights do not apply a test in relation to sustainability of location. DCLG note that this is deliberate as it is recognised many agricultural buildings are outside village settlements and may not be able to rely on public transport.
- LPA's can consider whether location and siting of the building would make it impractical or undesirable to change the use. However, they should apply a reasonable definition in making a judgment. Impractical reflect a location and siting that would not be 'sensible' or 'realistic' and undesirable may reflect a position that is deemed 'harmful or objectionable'.
- LPA's should work on the premises that the Permitted Development grants permission subject to Prior Approval and the fact a building may be in a location where planning

permission would not normally be granted is not sufficient reason for refusing Prior Approval.

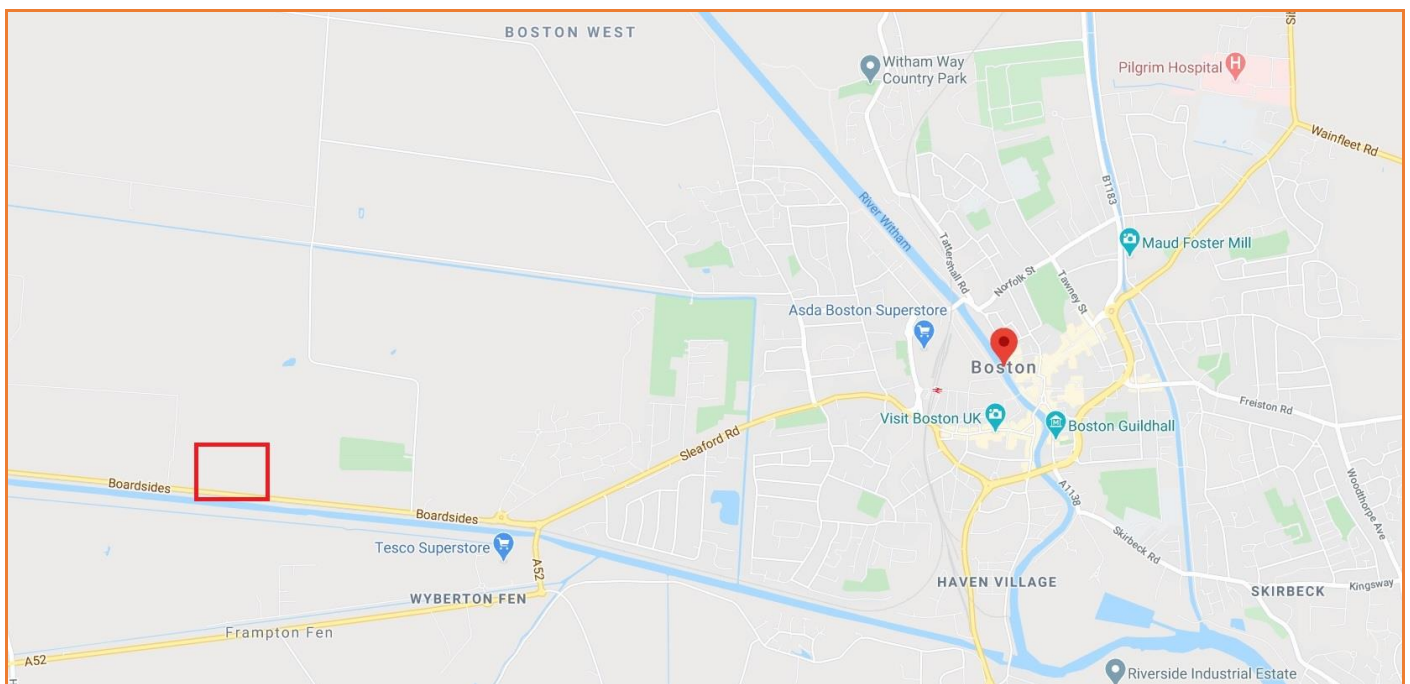
1.3 This statement demonstrates that the proposed development complies with the provisions set out in the GPDO and advice issued by the DCLG.

1.7 The adopted local plan is not a consideration when determining this application.

## 2.0 SITE AND SURROUNDING AREA

2.1 The site is located to the northern side of New Hammond Beck Road and the New Hammond Beck, Boston (Easting 529508 Northing 343032, Latitude 52°58'08"N , Longitude 000°04'23"W ).

2.2 There are two residential dwellings within close proximity to the application. Beck Lodge, which is under the same ownership of the application site and another dwelling, some 200m to the east. The application site has its own existing and independent access directly off New Hammond Beck Road.



**Figure 1** Aerial photograph showing the location of the site in relation to Boston



**Figure 2** Aerial photograph showing the application site.







**The Town and Country Planning (General Permitted Development) Order 2015 states that;**

### **Class O – Offices to Dwellinghouses**

#### **Permitted development**

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) the building is on article 2(5) land;
- (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) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;
- (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 monumental.

#### **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 site; and
- (c) flooding risks on the site, and the provisions of paragraph W (prior approval) apply in relation to that application.
- (d) impact of noise from commercial premises on the intended occupiers of the development (added with effect from 6 April 2016)

## **4.0 PERMITTED DEVELOPMENT ASSESSMENT**

### **CHANGE OF USE**

4.1 It is confirmed that the following criteria is satisfied:

- (b) The building is not on article 2(5) land.
- (c) The building was in use as B1 (a) Office prior to 29<sup>th</sup> May 2013
- (d) The site does not form part of a safety hazard area.
- (e) The site does not form part of a military explosive's storage area
- (f) The building is not a listed building or is within the curtilage of a listed building
- (g) The building is not listed or a scheduled monument.

## **5.0 PRIOR DETERMINATION – CLASS O**

5.1 In accordance with Part 3, Class W of Schedule 2 of the GPDO, a determination is required as to whether the prior approval of the LPA is required for the Class Q (a) development in this instance in regards

- a. Transport and highways impact of the development.
- b. Contamination risk on the site.
- c. Flood risk on the site.
- d. Impacts of noise from commercial premises on the intended occupiers of the development (added with effect from 6 April 2016).

### **5.2 Transport**

The site is situated within an existing use directly off a public highway (New Hammond Beck Road). The road is a classified B Road and its width and alignment are standard and of a typical nature to those around the Lincolnshire or any area nationally. Considering an average of 4 trips a day for the dwelling, it is considered that the added volume to the highway will be minimal. Therefore, it is fair to say there will be no detrimental impact following the proposed change of use from agricultural to residential.

### **5.3 Noise**

There is one neighbouring property which would likely be unaffected by any potential noise generated from the proposal. As such, there will be no harmful impact upon the residential amenity in the area.

#### 5.4 Contamination

The pollution and contamination risk is deemed to be very low given the history of the buildings. The applicant has no knowledge or experience of any contamination risk on the site.

#### 5.5 Flood Risk

The Environment Agency flood maps show the site to be located within Flood Zone 3, an area with a high probability of flooding. A Flood Risk Assessment accompanies this application.

#### 5.6 Mitigation

To mitigate risk to occupants, wherever possible, buildings should be designed with floor levels and resilient measures such that occupied areas are not inundated during 1 in 200 probability + climate change events. Due to the nature of this development, which would alter the internal reconfiguration to change the use of an existing office and building to a residential dwelling, it will not be possible to raise the floor levels throughout the dwelling to be above the modelled flood water level. The appended designs show that the FFL of the new residence would be more than 300mm above the surrounding ground level, as recommended by EA standing flood mitigation guidance, and that the sleeping accommodation is to be raised a further 1m with the window on the rear elevation raised to provide emergency egress in the event of a flood.

### 8.0 **CONCLUSION**

- 8.1 This application seeks prior approval for the change of use of an office building to a dwellinghouse under Class O, Part 3 and Schedule 2 of the order. The statement has shown the development to be permitted development and therefore we trust the proposal can be supported by the Local Planning Authority.