

**Planning Statement**  
Change of use of offices to dwelling  
(Class O: Prior approval)  
Former station building  
Station Road  
Digby



MIKE SIBTHORP PLANNING  
LOGAN HOUSE  
LIME GROVE  
GRANTHAM  
NG31 9JD

TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 SCHEDULE 2 PART 3 CLASS O

PRIOR APPROVAL NOTIFICATION RELATING TO THE CHANGE OF USE OF OFFICES  
TO 1(NO.) DWELLING UNIT

FORMER STATION BUILDING, STATION ROAD, DIGBY

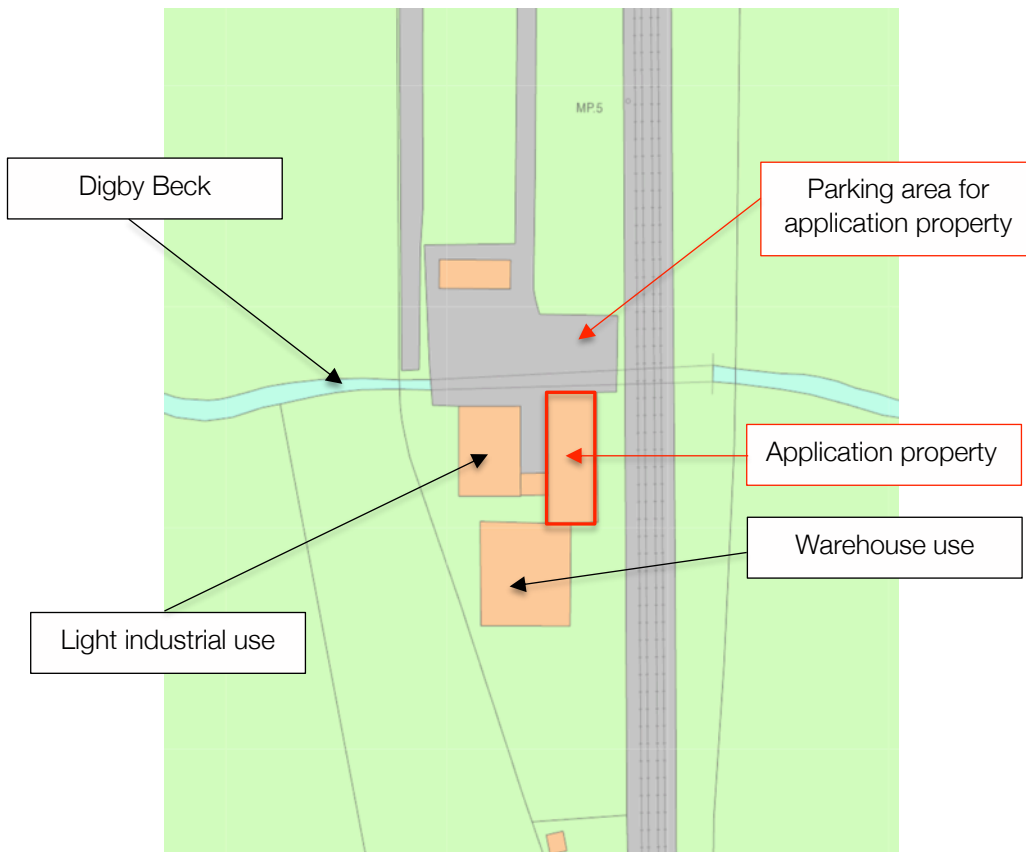
**STATEMENT ACCOMPANYING PRIOR APPROVAL SUBMISSION**

**A. The site and building**

1. This statement accompanies a prior approval notification in respect of a proposal to convert an existing office building to 1(no.) dwelling unit. Such works comprise permitted development under the provisions of Class O of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed conversion in this case falls outside of (ie. satisfies) the limitations as set out within Section O.1 of Class O of the Order, and the conditions set out in Section O.2 (which essentially relate to the prior approval process) are similarly satisfied.
3. The building the subject of the prior approval submission comprises a former goods shed building located to the west of the Sleaford - Lincoln railway line, to the south-east of the village of Digby. The property, which is located at the southern end of Station Road forms part of a small complex of buildings in commercial use. The complex comprises the present application building, an extended, Victorian-era brick and slate former goods shed, in use as offices, an adjoining, part-attached warehouse building and a separate, free standing unit in light industrial use. These latter two buildings appear to originally date from the 1970's. The three buildings, whilst in the same, single ownership, are occupied by three separate businesses.
4. The building the subject of this prior approval notification, and its location, is illustrated below.
5. The buildings are accessed by a roadway leading southward off Station Road. This passes the former railway station building, now converted to residential use. A short distance to the north of the application building, the Digby Beck runs through a substantial culvert beneath the yard area and under the railway line. The defined site is not located within a flood risk area associated with this beck. This is discussed in further detail below.



Site location

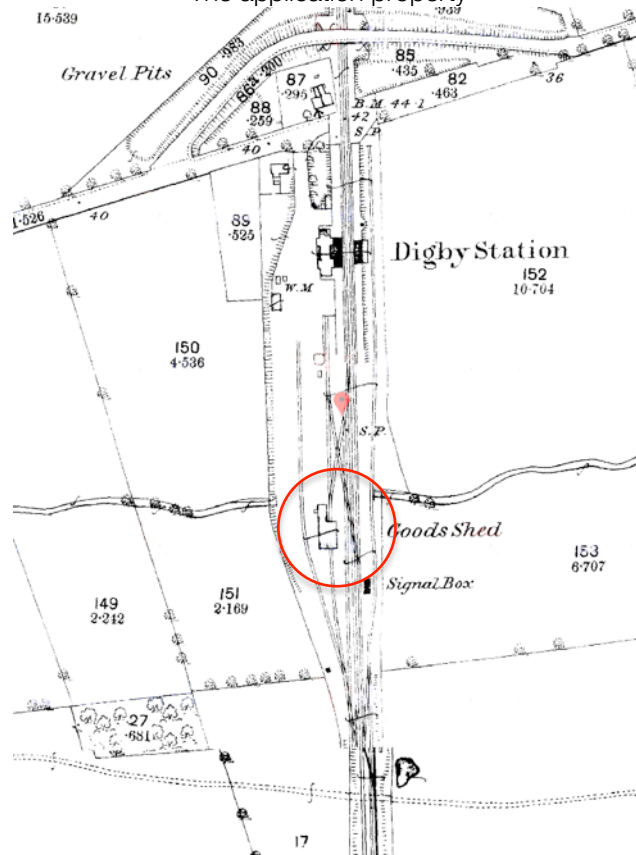


Site Location

The application building is highlighted in red.



The application property



1888 mapping showing the location of the application property when in railway use

## B. The proposals

6. The application in this case proposes the residential conversion of the former goods shed building, which has an established office use, to form one single dwelling.
7. The documents accompanying this submission, in line with the requirements of Part W of Part.3 of the Order, comprise the following;
  - ❖ **W(2)(a): A written description of the proposed development:** application forms and this statement
  - ❖ **W(2)(b): A plan indicating the site and showing the proposed development;** Accompanying this submission are a site location plan and block plan and a floorplan showing existing and proposed layouts and building elevations (This also includes relevant floorspace details as required by Part W(2)(bc)). No elevational changes are proposed to the building.
  - ❖ **W(2)(c): A statement specifying the net increase in dwellinghouses:** application forms and this statement. One dwelling is proposed in this case.
  - ❖ **W(2)(bc): Floorspace and elevational details** (as W(2)(b) above).

## C. The General Permitted Development Order entitlement

8. Class O of Part 3 of Schedule 2 of the Order (as amended), permits the following;

*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.*

9. Development is permitted subject to a number of restrictions / parameters, set out in Section O.1, which are listed below. As we identify by the accompanying text, the proposed conversion of the building to 1(no.) dwelling unit satisfies these stipulations.

*Development not permitted*

*O.1 Development is not permitted by Class P if—*

*(a) (Deleted by SI.2016.No.332).*

10. Section (a) was deleted by SI.2016 No.332, and is no longer applicable.

(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;*

11. On the nominated date in 2013, the building was in use as offices, and that office use continues. This clause is not offended.
12. On the relevant date above, the premises were occupied by a company called Shreds. Shreds occupied the application building from 2001. In 2015 the premises were sold to A C Plastics, the present owners, who continue to occupy the application building for office purposes. Whilst A C Plastics as a company own all three buildings at the site, the other two buildings are separately let, and their use is not connected to A C Plastics. The southern building is in use as a warehouse. The western unit is in light industrial use (KAD Fibreglass Products). The applicant is able to furnish a statement from the owner of the property confirming the office use of the existing building since acquisition in 2016. Companies House records for Shreds Limited<sup>1</sup> identify that up to 22 March 2016, the registered address of the company was Old Station Yard, Digby, and on that date the registered address was changed. On that date the present owners took over the use of the premises as offices, and that use continues at the present time. There is this a continuity of use of the building for office purposes since at least 2001 when Shreds began occupation. It is our understanding that the original office use of the building was consented in 1988 (N/22/1241/88).

*(c) (Deleted by SI.2016.No.332).*

13. Section (c) was deleted by SI.2016 No.332, and is no longer applicable.

*(d) the site forms part of a safety hazard area*

14. The site does not comprise part of a safety hazard area. This clause is not offended.

*(e) the site is, or forms part of, a military explosives storage area;*

15. The site does not comprise part of a military explosives storage area. This clause is not offended.

*(f) the building is a listed building or is within the curtilage of a listed building; or*

16. The application property is not a listed building and is not located within the curtilage of a listed building. This clause is not offended.

*(g) the site is, or contains, a scheduled monument.*

17. The application property does not comprise or contain an ancient monument.

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<sup>1</sup> <https://find-and-update.company-information.service.gov.uk/company/04233216/filing-history>

This clause is not offended.

18. As such, none of the relevant Section O.1 prescriptions are offended in this instance. The use and premises therefore satisfy the pre-conditions for the prior approval provisions.

### C. The prior approval process

19. Section O.2 of Class O (as modified by SI.322 of 2016 and SI.428 of 2021) sets out details of the prior approval process. It outlines that the prior approval submission should seek a determination as to whether the Council's prior approval is required in respect of any of the following;

- (a) transport and highways impacts of the development,*
- (b) contamination risks on the site*
- (c) flooding risks on the site,*
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and*
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.*

20. We consider each of these issues below.

#### *(a) transport and highways impacts of the development*

21. The development in this instance will have no adverse highways or transportation impacts.
22. Provision is made for 2 car parking spaces as part of the development. This is identified on the block plan accompanying the application. Use of the building as a single dwelling will result in less traffic generation and less car parking demand than use of the premises for office purposes.
23. It is not considered that there are any transportation or highways impacts that would justify intervention in this instance.

#### *(b) contamination risks on the site*

24. The nature of the historic building use, and the nature of the proposed use are such that no contamination issues arise in this case. The building has had a long-standing office use.
25. Appended at **Enclosure 1** are details of the Groundsure Report that was prepared at the time of the purchase of the premises in 2016. This does not appear to identify any contamination issues or risks associated with the occupation of the present building.
26. There is no intention, as part of this prior approval proposal, to break through unmade ground and as such, it is not considered that the residential occupation of the building have any implications with respect to contamination.
27. The following appeal decisions would suggest that proposals that do not break

through unmade ground, do not come into contact with ground outside the building, do not give rise to conflicts with this criterion.

- ❖ Appeal Ref: APP/H5390/A/14/220628, 234 Blythe Road, London W14 0HJ; See Paragraph 6 (**Enclosure 2**).
- ❖ Appeal Ref: APP/H5390/A/14/2212773. 45 Holmead Road, London, SW6 2JD. See Paragraph 16 (**Enclosure 3**).
- ❖ Appeal Ref: APP/L5810/A/14/2223401, 51A Sheen Lane, East Sheen, London SW14 8AB. See Paragraph 5 (**Enclosure 4**).
- ❖ Appeal Ref: APP/H5390/W/17/3178404; Ground Floor, Crabtree House, 83 Crabtree Lane, London SW6 6LR. See Paragraph 9 (**Enclosure 5**)

The **Enclosure 5** case makes a particularly compelling argument as to why a building with an extant office use would not justify the imposition of contamination type conditions as part of the prior approval. Paragraph 9 of the decision letter states;

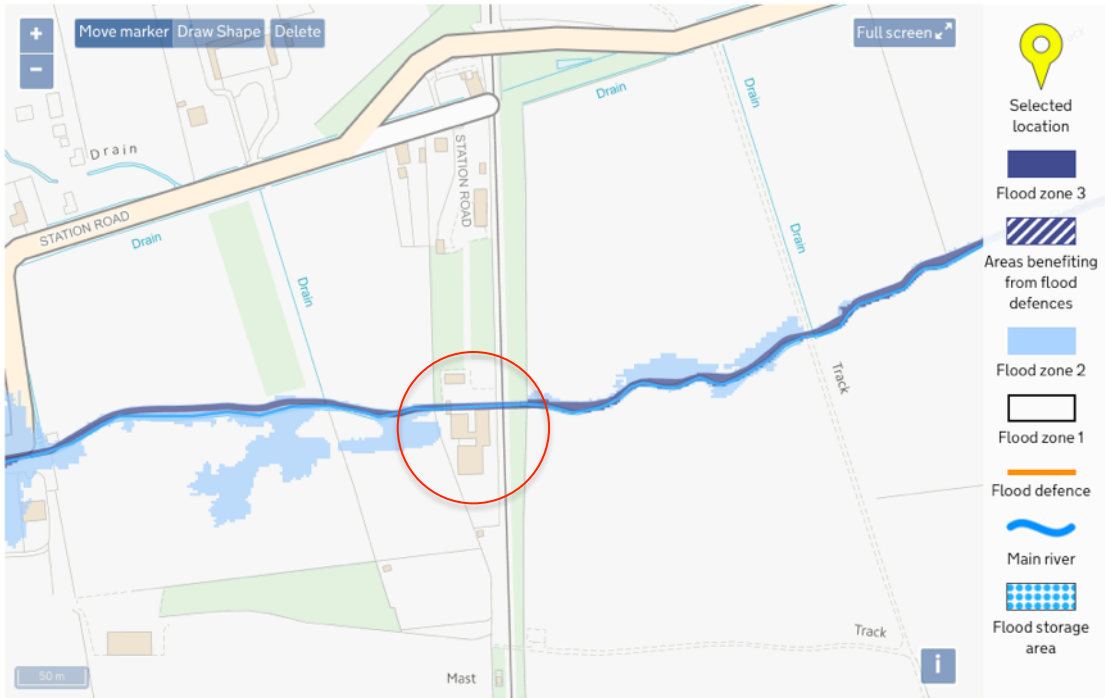
*9. I have no cogent evidence before me to explain the rationale behind the contaminated land conditions. Taking into account the nature of the development and the lack of evidence to justify the need, I conclude that the suite of contaminated land conditions is not necessary, relevant or reasonable. The conditions appear to have been imposed based on vague assertions, rather than substantive evidence of risk of contamination which is specific to this site and the proposed change of use. The development without the condition would not adversely affect the living conditions of existing and prospective occupiers of the building.*

28. Whilst there would be scope, as part of any grant of prior approval to impose conditions in respect of contamination, the circumstances of the case, where the building has been on office use for 30 years, and where no physical alterations are proposed to the building, would suggest that there is no contamination risk associated with the residential occupation of the building and no justification for the imposition of a contamination type condition.

***(c) flooding risks on the site***

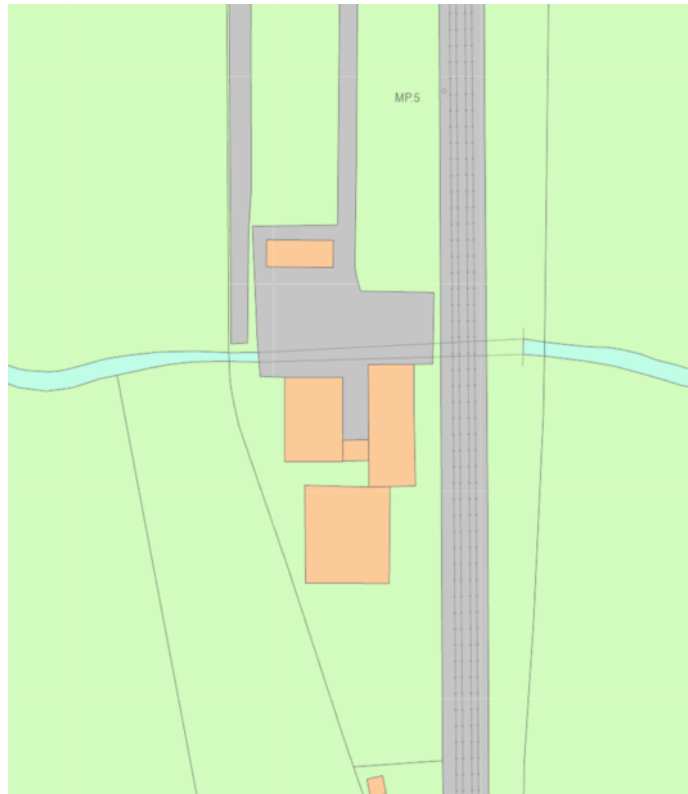
29. The site is not located within a flood risk area. The change of use has no surface water drainage implications.
30. The EA flood risk mapping for the site identifies that some land in the vicinity of the Digby Beck is at risk of flooding. However, the scale of the on-line mapping is such that the extent of the flood risk areas in the vicinity of the property cannot be accurately distinguished (see below). Distinction between the Main River notation and the Zone 3 notation is not altogether clear at the available scale. However, it does appear that the application building is located to the south of the flood risk area.





EA Flood mapping extract. This appears to show the flood risk area is directly to the north of the application building.

31. Moreover, it is relevant to note that in the immediate vicinity of the property, the Digby Beck is set within a substantial culvert passing under the yard area and the railway line. The route of the culvert is shown on OS mapping, and illustrated in the photograph below.



The OS extract above clearly shows that the culvert passes to the north of the application building and to the south of the identified parking area.



Photographs showing the substantial nature of the culvert and the significant levels difference between the Beck and the yard

32. If there is any flood risk in the vicinity of the site, that flood risk is constrained by the dimensions the culvert. In the vicinity of the property, the extent of any potential flood risk will be defined by the culvert itself. This would confirm to us that the application property is not located within a flood risk area. The property is not at risk of flooding. The Central Lincolnshire Level 1: Flood Risk Assessment (**Enclosure 6**) does not identify any flood risk area in the vicinity of the site or culvert.

***(d) impacts of noise from commercial premises on the intended occupiers of the development,***

33. The site in this case is adjoined to the south-west by a building in warehouse usage. To the west is a building in light industrial use. Both may be considered to represent uses that can be carried out in residential areas without giving rise to adverse amenity impacts.

34. Class O appeal decisions have highlighted that the wording of this criterion is quite specific. The two appeal examples below illustrate that the noise consideration in this instance is specific to noise from (nearby) commercial premises. They suggest that noise from other sources, including, for example, nearby traffic, or other external noises sources, (such as for example, the adjoining railway line in this case), are not within the scope of the assessment.

- ❖ Appeal Ref: APP/H5390/W/17/3192243: First to Fourth Floors, Brook House, 229-243 Shepherd's Bush Road, London W6 7AN. See paragraphs 9 and 10. (**Enclosure 7**)

❖ Appeal Ref: APP/N5090/W/17/3183459: Block 3 The Exchange, Brent Cross Gardens, London NW4 3RJ. See Paragraph 12 (**Enclosure 8**).

35. In this instance, the two adjoining commercial uses – a low-key B8 storage use and a B1 light industrial use represent residentially compatible uses that will not give rise to unacceptable levels of noise disturbance.
36. Notwithstanding the above, the applicant in this case would not oppose the imposition of condition requiring the submission of a scheme of acoustic insulation, to achieve a satisfactory internal noise environment.
37. The two adjoining commercial buildings are in the control of the applicant. As an alternative to the above, there would be scope to require the removal of one or both of these buildings as part of the implementation of the consent.
38. Demolition of the buildings, whilst potentially resolving a prior approval issue, is considered unnecessary in this case (It would also result in the loss of commercial floorspace). In this instance, the applicant intends to occupy the dwelling, and will retain control of the two adjoining buildings. Ultimately therefore, the applicant will have control of both the occupiers of these buildings and the activities undertaken. The applicant is thus in a position to ensure that future building uses are residentially compatible. The imposition of a noise condition, requiring the submission of a scheme of acoustic insulation to ensure satisfactory internal noise levels will further ensure a satisfactory residential environment.

***(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.***

39. The particular characteristics of the building are such that it enjoys good standard of lighting from multiple windows. All of the habitable rooms identified on the submitted drawings incorporate appropriately sized windows (NB. The Planning Portal recognises that there are varying definitions of 'habitable room', and indeed, the Building Regulations, for example, incorporate three separate definitions. For the purposes of this assessment we have included all rooms other than bathrooms and utility room as comprising habitable rooms. All proposed habitable rooms in this case incorporate windows and satisfactory access to daylighting

## **D. Conclusions**

40. The proposed change of use in this case can be effected without any external alterations to the building.
41. None of the relevant prior approval exclusions (as identified Section O.1) are applicable in this instance. We have demonstrated above that none of the Section O.2 considerations will give rise to any material or adverse impacts that would justify intervention in this case. The site is not located in a flood risk area. No contamination issues arise. Adjoining commercial uses will not result in adverse residential amenity conditions for future building occupiers. Habitable rooms will

enjoy good access to daylighting.

Mike Sibthorp  
**Mike Sibthorp Planning**

April 2021

#### **Enclosures**

**Enclosure 1:** Groundsure Report

**Enclosure 2:** Appeal Ref: APP/H5390/A/14/220628, 234 Blythe Road, London W14 0HJ;

**Enclosure 3:** Appeal Ref: APP/H5390/A/14/2212773. 45 Holmead Road, London, SW6 2JD.

**Enclosure 4:** Appeal Ref: APP/L5810/A/14/2223401, 51A Sheen Lane, East Sheen, London SW14 8AB.

**Enclosure 5:** Appeal Ref: APP/H5390/W/17/3178404; Ground Floor, Crabtree House, 83 Crabtree Lane, London SW6 6LR.

**Enclosure 6:** Central Lincolnshire Level 1: Flood Risk Assessment: Digby extract

**Enclosure 7:** Appeal Ref: APP/H5390/W/17/3192243: First to Fourth Floors, Brook House, 229-243 Shepherd's Bush Road, London W6 7AN.

**Enclosure 8:** Appeal Ref: APP/N5090/W/17/3183459: Block 3 The Exchange, Brent Cross Gardens, London NW4 3RJ.