DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0023-23**	**Applicant:**	**Decoy Holdings Ltd**
Proposal:	Change of use of office e (g)(i) to residential (C3) - approved under H02-0819-22. Modification of Condition 2 to allow amendments to previously approved plans and removal of Conditions 3 & 4 relating to contamination.		
Location:	Decoy Farm Spalding Road Crowland		
Terminal Date:	3rd April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 Application related to the proposed change of use of office e (g)(i) to residential (C3) to Decoy Farm, Spalding Road, Crowland. The development was originally approved under application ref. H02-0819-22.

Site Description

The site is situated on an agricultural holding of Decoy Farm. The site has a shared entrance with two detached properties to the south of the building. Decoy Farm has operated as a green waste composting facility for many years and, together with an Anaerobic Digestion (AD) plant and a solar farm, is now becoming a hub for green waste processing and the generation of renewable energy. The property is characterised by an L-shaped single storey barn conversion, projecting forward from the agricultural buildings to the rear of the site.

History

H02-0819-22- FULL- Approved on 03-11-22- Change of use of office e (g)(i) to residential (C3)

Consultation Responses

Environmental Protection Officer

There is the potential for contamination associated with the previous agricultural use of this site. However, I have reviewed the Preliminary Geo-Environmental Risk Assessment by Deltasimons dated June 2017 that was submitted for an earlier application for the building west of this site and I note that the report concludes 'that the risk of significant possible pollutant linkages to exist in the context of the site in being refurbished is low'. The applicant has also confirmed that landscaping 'will consist of plants and shrubs grown only in containers' and that 'the garden will consist simply of a sand base over the existing compacted hardcore topped with an artificial turf finish'. As no excavations will take place as part of the development and the garden area is effectively being capped with sand and artificial turf any potential contamination is unlikely to pose a risk to the future end users of the site. I therefore accept that the condition can be removed, however I would like to stress that it is up to the developer to ensure a 'safe development' and should the situation change in the future contamination risks may need to be assessed. I also recommend the following: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

Crowland Parish Council

Support.

Planning Considerations

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the

determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is located outside of a settlement limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 23 of the SELLP indicates that proposals for the conversion of existing buildings which are located outside defined settlement boundaries to residential use will be permitted provided that:
1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;
2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;
3. the proposal is in keeping with its surroundings;
4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and
5. development leads to an enhancement of the immediate setting of the building.

Where permission is granted, permitted development rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Addressing the above, the covering letter accompanying the application states that there are minimal works required for the change of use, apart from a roof light and a window on the east elevation. Therefore, the traditional farm building would not be dramatically altered, and the proposal would be in keeping with the surroundings.

The building is considered to be of some historic merit, being a traditional 20th Century Fenland farm building, and a rural feature that should be preserved within this rural setting. This proposal is a means of seeking its retention. The conversion would be carried out in a sensitive manner and provide a satisfactory level of living accommodation for future occupiers. Whilst the development does not necessarily constitute an enhancement, it would proposal retain the building's character, which would be preferable to it being out of use and deteriorating in condition.

There is an extant planning permission (H02-0819-22) for the change of use of office to residential. The key matter of consideration is, therefore, whether the amendment to the previously approved plans and the removal of conditions 3 and 4 relating to contamination are acceptable.

In terms of the amended plans, this only includes the further description of the proposed garden area, which will consist of a sand base with artificial grass. It is therefore, not considered to impact upon neighbouring residential amenity for the proposed change of use of office to residential.

The proposal is therefore considered to be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2021).
On balance, it is considered that the proposal satisfactorily complies with the aims and objectives of Policy 23 of the SELLP.

Layout, Design, Size and Scale

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The building is visible from Spalding Road but minimal external alterations are proposed. As such, it would not appear that the change of use of the building would have a detrimental impact on the street scene or upon the neighbouring dwellings to the south.

In summary, the proposals are visually acceptable within the locality and comply with Policy 2 of the SELLP and Section 127 of the NPPF.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property is Fen End Barn sited approx. 10m to the north west. There is also no.1 and 2 Decoy Farm, Spalding Road, which are approx. 23m to the south. The building at the rear is within the same ownership and will remain as storage, including a service courtyard area. By virtue of the positioning of windows and separation distances involved, it is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing etc.

SHDC's Environmental Protection Officer has no objection on the basis that the property is to remain in the ownership of the applicant and it will therefore be within their control as to who it is occupied by.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Contamination

Conditions 3 and 4 (Contaminated Land Scheme and Contamination Verification Report)- SHDC's Environmental Protection Officer has raised no objection to the submitted assessments and has recommended discharge of this condition.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

The existing entrance which serves the two detached dwellings to the south, will also served the proposed dwelling. There is provision on site for the parking of two vehicles. LCC Highways have raised no objections.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking requirements.

Flood Risk/Drainage

The application site is situated in Environment Agency Flood Zone 1, however it is shown in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) as being at increased risk in 2115 in the case of a breach of defences.

The National Planning Policy Framework states at Paragraph 167 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, it is still necessary to ensure appropriate mitigation measures are in place given the increased risk in the future.

The SFRA mapping shows that the sites falls within a "Low Hazard" hazard zone, with potential flood depths of up to 0.25m (based on the Residual Peak Depth - 1% Fluvial/0.5% Tidal scenario for 2115). A condition requiring floor levels to be raised by 300mm above ground level would address this.

Foul water would be disposed of to a package treatment plant and surface water to soakaways (as existing). This arrangement is considered acceptable in this location.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2021.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal complies with the aims and objectives of Policies 1, 2, 3, 4, 23, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021. The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal. The recommendation is therefore for a delegated 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.