DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0229-20**	**Applicant:**	**Mr J Simmons**
Proposal:	Barn conversion and extension (commenced)		
Location:	Mulberry Barn Torrington Lane Fleet		
Terminal Date:	8th May 2020		

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
17	Providing a Mix of Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Barn conversion and extension. This is a design change to the permissions already granted to convert this building, in particular the window and door detailing.

A greater extent of the building has been removed and is to be rebuilt, which has come about as a result of further investigations in to the building structure. A landscaping scheme to provide a domestic garden and secure fencing is provided.

In addition the application is supported by an ecology report, ecology mitigation, a flood risk assessment, structural report and contamination report.

Site Description

The building is not of significant architectural interest, but is nevertheless an existing redundant building in the open countryside.

Works have commenced and much of the building is in the process of rebuilding.

History

H05-0064-19 Modification of Condition 2 to allow amendments to previously approved plans and Condition 10 of the permission for the proposed barn conversion - approved under H05-0709-18 to change colour of external timber door and window frames to dark grey. Approved 21-02-19.

H05-0709-18 Proposed barn conversion. Approved 29-08-18

H05-0196-17 Proposed conversion of barn to dwelling. Approved 03-05-17

Consultation Responses

SHDC Environmental Protection Officer

Has reviewed the Earth Environmental and Geotechnical (Southern) Limited Phase 1 Desk top study Mulberry Barn, Torrington Lane report ref R0160/19 dated February 2019 issue B.0 and considers that sufficient information has been presented to ensure a safe development. However, request the following condition or note be applied to any permission granted: 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.

LCC Highways and Drainage

NO OBS
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 the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Suggest a standard informative regarding the access.

South Holland Internal Drainage Board

No objections. Set out observations regarding details and relationship to bylaws.

Planning Considerations

Principle of use and conversion

The principle of the conversion of this building was accepted by the approvals set out above. Since the original consent the South East Lincolnshire Local Plan has been adopted, and Policy 23: Reuse of Buildings in the Countryside for Residential Use, sets out

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.

The building in question is unremarkable, however there is an extant permission in this site.

The conversion details are considered to be acceptable and the retention of the building in an improved and extended form would be an enhancement of the immediate setting of the building.

The proposal is therefore policy compliant.

It is recommended that the permitted development rights are removed via conditions, to prevent alterations and domestic paraphernalia.

It is considered that the conversion and reuse of this building will be an improvement to the visual character of the site and the wider area.

Landscaping and Fencing

A domestic landscaping scheme is provided and boundary treatments in the form of post and rail fencing and a mixed hedge is proposed. This form of detail is considered to be acceptable.

Contamination of the site

A contamination report has been submitted and the Environmental Protection Officer considers that the report is fit for purpose.

Wildlife

The measures expected, in the form of two barn owl boxes (that are now in situ) and a Barn Owl loft, in accordance with the wildlife survey and recommendations, are to be controlled by conditions, as previously.

Conclusion

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.