

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0232-19 **Applicant:** Mr & Mrs Phillips

Proposal: Works and conversion of barn into annexe and replace roof on adjoining packing shed

Location: 123 Fleet Road Fleet Spalding

Terminal Date: 1st May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Paragraph 11.

Section 16.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Background

The case officer has visited the site and has been involved with on-site meetings, including emergency visits by the consulting Engineer and taking weekend and evening phone calls to discuss the arising emergency when the barn had a catastrophic failure and collapsed in storm conditions.

In considering any development in relation to historic buildings, the local authority has to assess its historic significance against other issues such as its function, condition or viability. The application is submitted by an owner who wishes to restore the barn to its former glory and this should be embraced and facilitated.

The opportunity to convert the barn into an annexe incentivises the re-build which may not otherwise be achieved - it is considered that this is a significant material factor in determining this application.

Proposal

Works and conversion of barn into annexe and replace roof on adjoining packing shed.

Site Description

The site is a very attractive Grade II listed Georgian farmhouse with a decorative Georgian frontage and a plain agricultural rear and a set of outbuildings which forms the application site. The site is 'Montague House', 123 Fleet Road, Fleet.

History

None relevant.

Consultation Responses

Ian Marshman - Historic Environment Officer
Address Historic Environment Officer Lincolnshire County Council Lancaster
House LN1 1XX
Comments

The additional information provided forms an adequate record the historic building prior to alteration, and this office would no longer recommend the need for a condition to require the barn to be recorded prior to works commencing. No further archaeological input is required.

Historic England

Thank you for your letter of 4 April 2019 regarding the above application for Listed Building Consent. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

SPAB - comments on consultation process.

Georgian Group - No objection in principle but not enough information detailing potential harm therefore cannot be determined in accordance with the NPPF.

(Case Officer note - a further HIA has since been submitted which is considered to be NPPF compliant).

Representations

Resident - I am concerned about the lack of support shown between the first floor and ground floor. With the plans to open the whole of the ground floor into one room it does not show supports for the upstairs rooms. As this is a listed property care is needed not to weaken the

building as building of this age rarely had footings.

(Case Officer note - a structural report has been submitted and the works are considered appropriate and justified).

Planning Considerations

The Development Plan

South East Lincolnshire Local Plan - Adopted: March 2019

Policy 01 Spatial Strategy

Policy 02 Development Management

Policy 03 Design of New Development

Policy 17 Providing a Mix of Housing

Key Policy:

Policy 29: The Historic Environment

Policy 29 states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced"

These proposals rescue and conserve the historic significance of the Listed Building and are compliant with Policy 29.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), Feb 2019

Paragraph 11 - The presumption in favour of sustainable development

Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG), 2014

The proposals are considered to comply with all local and national guidance and policy.

The key material issues for considerations in this application are:

- The impact of development upon the Heritage Asset that is the Grade II Listed Building.
- Any other issues;

The impact of development upon the Heritage Asset that is the Grade II Listed Building.

The works are justified and necessary and will rescue a badly damaged listed structure and bring it back into a use through conversion to an annexe that will preserve it for future generations and also help to ensure the long term viability of the building through maintenance.

The proposed works are designed to be in keeping with the visual qualities of the exterior of the listed building and are appropriate and sympathetic, and will have a minimal adverse impact upon the fabric of the listed building.

Any other issues including the impact of development upon neighbouring amenity

There is not considered to be any adverse or material impacts upon the amenity of any neighbouring properties or any other interests of acknowledged importance. The building is not in close proximity to neighbours houses and there is no likely loss of amenity.

Conclusion

The works are justified and necessary and will enhance and maintain the quality of the building for its long term viability and will improve and preserve the visual qualities of the exterior and will have a minimal impact upon the fabric of the listed building. It is recommended that Planning Permission is granted:

Recommendation: APPROVE

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.