DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0940-21**	**Applicant:**	**Mr P Busby**
Proposal:	Proposed conversion into single dwelling		
Location:	Mill Bank Holbeach Spalding		
Terminal Date:	13th January 2022		

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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing building (former business office) into a one-bed dwelling.

Site Description

The building is located in open countryside on the southern side of Mill Bank and is part of premises that have permission for a business use (former Class B1). Permissions H05-0186-04 and H05-0923-07 refer.

The nearest residential property is Laburnum Farm some 170 metres to the north-east.

History

H05-0186-04 - Full - Change of use from agricultural use to Business Use B1- Granted 27 August 2004.

H05-0923-07 - S73A - Continuation of permission without complying with Condition 1 of H05/0186/04 relating to time limit - Granted 13 September 2007.

Consultation Responses

Fleet Parish Council

No response received

LCC Highways

Request conditions/informatives.

South Holland IDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request contaminated land conditions.

Lincolnshire Bat Group

Note the requirements for further surveys in 2022 (6.6), and the type of licence required, dependent on the result of these surveys (6.16).

Planning Considerations

The main issues in this case are:
- Policy;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, ecology and archaeology.

Policy/Principle

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 structural survey accompanying the application states that some renovation work/rebuilding would be required. Nevertheless, it states that the brick walls to the majority of the structure, together with large portions of the timber roof framing can remain and form the basis of the renovation scheme. Policy 23 does allow some alteration/rebuilding.

The brick building is of some historic interest and is a typical early-mid 20th Century fenland farm building. On balance, it is a rural feature which should be preserved. This proposal is a means of seeking its retention. The conversion would be carried out in a sensitive manner and retain the buildings character. It would constitute an enhancement. The detached garage would be a small ancillary building. Paragraph 80 of the National Planning Policy Framework, 2021 suggests, amongst other things, that development that would re-use redundant or disused buildings and enhance its immediate setting might be acceptable with specific regard to the provision of rural housing.

On balance, it is considered that the proposal satisfactorily complies with the aims and objectives of Policy 23 of the SELLP and is consistent with advice within the Framework, 2021.

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 National Planning Policy Framework (2021). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property is Laburnum Farm some 170 metres to the north-east. The building at the rear has planning permission for a business use and is within the same ownership. It is considered that the amenity of occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

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

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.

A new vehicular access would be created. 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

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designated as no hazard. There are therefore no flood risk issues in this case. Nevertheless, given that the proposal is a more vulnerable development, it is recommended that the development be carried out in accordance with the submitted flood risk assessment.

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

Drainage

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

Ecology

The application is accompanied by an ecological appraisal. It identified two bat roosts on the building and general activity. Bird nesting/roosting activity was also recorded, including Barn Owls pellets indicative of roosting (no evidence of nesting). It therefore recommends two further bat surveys, plus a level of mitigation dependent upon the surveys.

Enhancements are also recommended to increase the site's potential to support biodiversity in the future, in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019. This can be addressed by means of a condition.

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 generally complies with the aims and objectives of Policies 1, 2, 3, 4, 23, 28, 29, 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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.