

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0189-20 **Applicant:** C Plumb
Proposal: Conversion of barn into pair of semi-detached dwellings
Location: Granite House Chapelgate Gedney
Terminal Date: 30th October 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
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 2019

Sections 2, 4, 5, 12, 14, 15 and 16

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert a barn within the curtilage of Granite House into 2 no. 2 bed dwellings, including external/internal alterations.

Site Description

The barn is located within the curtilage of Granite House, which is a grade II listed building. Vehicular access to the barn is off Blazegate.

A house (No 5 Whiteacre Gardens) is located to the west and "Field Bungalow" to the east. Garden associated with Granite House is situated to the south.

Relevant History

H06-0296-14 - Full - New barn/workshop, greenhouse, brick built shed and timber fencing - Refused 14 October 2014.

H06-1085-14 - Full - Construction of replacement storage barn, greenhouse and brick built shed with boundary wall - Refused. Allowed on appeal 30 September 2015

Consultation Responses

Gedney Parish Council - Object for following reasons:

- Proposal not in accordance with Policy 23. Not of architectural or historic merit, at odds with surroundings, design changes and does not enhance the immediate setting of the building;
- Barn has not been used for the purpose intended. Manipulation of planning system;
- Encourage further application for conversion of shed;
- Overlooking;
- Flood issues;
- Highway safety/visibility issues.

LCC Highways - No objections subject to conditions.

Public - Resident objections received (summarised):

Building never been used for the purpose it was intended (ie, domestic store/workshop); Outside settlement limit - contrary to policy; Overlooking/lack of privacy; High Poplar trees been planted along boundary; Highway safety issues - access has inadequate visibility to the east and no footpath/street lighting for pedestrians, etc; Flooding/drainage issues; Bin stores close to residential property; Set a precedent - lead to further application for the shed.

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 and drainage.

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 outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside.

SELLP Policy 1 generally indicates that development in the countryside will be permitted that is necessary to such a location, or where it can be demonstrated that it meets the sustainable

development needs of the area in terms of economic, community or environmental benefits.

However, Policy 23 of the SELLP more specifically 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.

Assessing the proposal against Policy 23, the building has been constructed in brickwork, with a slate roof. It is structurally sound. No extensions are proposed and the external alterations to the building would principally involve a re-positioning of and/or additional openings. The alterations would give the building a more balanced appearance to that previously approved and are considered to be sympathetic to its character and appearance.

The building is of recent construction and its design/appearance reflects a 19th century barn. It therefore has no historic value but has architectural merit. It makes a positive contribution and is worthy of retention.

The building is located some 70 metres from Granite House itself, which is grade II listed. It faces onto Blazegate, whereas Granite House is located off Chapelgate. Consequently, there is physical separation and the buildings do not closely relate to each other. The principle view of Granite House is from Chapelgate. Its rear elevation is not readily open to view from Blazegate. It is considered that the proposed development would not harm the setting of Granite House.

The proposal is therefore considered to be sustainable and generally in accordance with Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019.

Concerns have been expressed on grounds that the building has never been used for the purpose for which it was intended (ie, as a domestic store/workshop) and that it is not redundant. This has been taken up with the applicant, who has provided a timeline indicating how their thoughts and intentions have changed since the building was first commenced some 4-5 years ago. This is accepted in good faith and appears to be supported by the fact that the building has been constructed as a store/workshop in accordance with the original plans and would now have to be altered as part of the conversion. The fact that the barn may or may not be presently redundant is not considered to be such as to outweigh factors in favour of the scheme.

Amenity

The nearest properties are a house (No 5 Whiteacre Gardens) to the west and "Field Bungalow" to the east. Garden associated with Granite House is situated to the south.

The western elevation includes patio type doors serving a kitchen/lounge at ground floor level and bathroom windows at first floor level. No 5 Whitacre gardens has a number of windows facing east, including kitchen/dining, bedroom and bathroom windows. The first floor windows would be obscure glazed and there is an existing fence on the common boundary, plus a row of Poplar trees. Field Bungalow is located further to the east and would be separated by another building. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing or overbearing effect.

Issues have been raised concerning the height of the existing row of Poplar trees along the western boundary. This matter doesn't form part of this planning application and would have to be dealt with under separate high hedge legislation.

In terms of possible disturbance, the present use includes a domestic workshop, which could

potentially be noisy. The entrance driveway has now been sited further to the east away from the boundary with no. 5 Whiteacre Gardens. The westernmost area is now garden. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise and disturbance, etc.

Concerning the disposal of waste, the bin stores have been positioned on the eastern side of the building away from neighbouring property.

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

Highway Safety

Each dwelling would have two parking spaces. Following concerns raised about visibility the access to the site has been re-positioned further east. LCC Highways have raised no objections to the amended proposal, subject to conditions.

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

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 "Danger for Most". However, the Framework states at paragraph 164 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, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments.

The proposal is a more vulnerable development and the SEL Flood Depths map indicates a peak depth of 0.5 metres. Consequently flood mitigation measures are necessary. They include finished floor levels being 300mm above existing ground level and all bedrooms on the first floor. The applicant should also sign up to the local Flood Early Warning scheme and the building should incorporate flood resilient construction. In addition, the installation of 0.5 metre high demountable flood barriers is recommended.

Concluding, therefore, the proposal is considered to be in compliance with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019.

Drainage

Surface water would be disposed of via a rainwater harvesting tank. Further details are required in this respect, including details of an outfall to cater for periods of heavy rainfall. Foul water would be disposed of via a filtered drainage system. More specific details can be submitted by means of conditions.

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.

Conclusion

The proposal generally accords with the development plan and advice within the National Planning Policy Framework, 2019. Although concerns have been raised in relation to such matters as the barns not presently being redundant, vehicular access and flood risk, privacy/overlooking, etc they are not considered to be such as to outweighed other factors in favour of the proposal.

It is therefore recommended that the application be approved under delegated powers.