

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0286-23 **Applicant:** Fletcher Salads

Proposal: Conversion of agricultural building into residential dwelling including the removal of cold store building and static caravans

Location: Broadgate Nursery Broadgate Gedney

Terminal Date: 23rd May 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
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
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	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
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

Full planning permission is sought to convert an agricultural building to a five-bed dwelling.

Site Description

The site (some 0.17ha) is located on the south-eastern side of Broadgate, Gedney and forms part of a horticultural nursery. Its frontage is occupied by a traditional early 20th Century farm building of brick construction, with a replacement fibre cement/asbestos roof. A utilitarian agricultural building is situated behind, plus two static caravans that appear to be unoccupied.

The nearest residential properties are a converted barn (Olive Tree Barn) some 100 metres to the north on the opposite side of Broadgate, Haveril House some 150 metres to the north-east and Teasel Cottage/Poplar Cottage approximately 130 metres to the south-west.

Planning History

No recent history

Consultation Responses

Gedney Parish Council

Supported

LCC Highways

No objection.

South Holland IDB

If surface/treated foul 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).

Note that the applicant intends to carry out new surfacing works within 9 metres of a Board

Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Environmental Protection

Request precautionary contaminated land condition.

LCC Historic Environment Officer

Request photographic historic building recording condition.

Lincolnshire Bat Group

No comments in the absence of photographs or ecological survey.

Public

No comments received.

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 to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

Policy 29 (The Historic Environment) indicates that proposals affecting the significance of a heritage asset should demonstrate that all reasonable efforts have been made to find a new use if appropriate and mitigate the extent of harm to the significance of the asset. Proposals that do not preserve or enhance the setting of a listed building should not be supported. It is consistent with advice within Section 16 of the National Planning Policy Framework, 2021.

Assessing the proposal against the above policies, the structural report accompanying the application states that apart from a few relatively minor defects noted, the majority of the building fabric is in good condition bearing in mind its age and is structurally "fit for conversion".

The building itself is of traditional design and construction and likely dates from the early 20th century, and likely prior to the Second World War. It is of an unusual design with many large windows on both ground and first floor. This may suggest that it was not simply a barn for storage

purposes and could indicate that it was originally built as a pack house or for processing produce from the site's nursery or market gardening business. It is of historic/architectural merit and classified as a non-designated asset (NDA).

The building's retention and re-use is therefore supported. The proposed conversion is sympathetic and generally retains the character/appearance of the building in terms of architectural detailing and materials of construction. The scheme would enhance the character/appearance of the locality since a utilitarian building at the rear would be removed which presently detracts from its setting.

It is considered that the proposal satisfactorily complies with the aims and objectives of Policies 23 and 29 of the SELLP and is consistent with advice within the Framework, 2021.

Amenity

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021.

The nearest residential properties are a converted barn (Olive Tree Barn) some 100 metres to the north on the opposite side of Broadgate, Haveril House some 150 metres to the north-east and Teasel Cottage/Poplar Cottage approximately 130 metres to the south-west.

General domestic activity upon the site would not be significantly greater than the former agricultural use and may well be less. The relationship and distance from neighbouring properties is such 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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed dwelling is to be accessed via the Nursery's existing vehicular access onto Bullock's Short Gate where good visibility in both directions is afforded to drivers entering the highway at this point. This access would be used solely by residents of the proposed dwelling, with the remainder of the Nursery business being accessed via its other existing vehicular access, on Cade Drove. LCC Highway Authority has no reason to consider that the Cade Drove access would be unsuitable to serve as the Nursery's sole point of access. The proposed dwelling would have sufficient off-highway parking and manoeuvring space within its curtilage.

In view of the above and 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

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 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 some. However, the Framework states at paragraph 167 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception tests are required in this case. However, paragraph 167 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Given that the proposal is a more vulnerable development it is therefore recommended that the development be carried out in accordance with the flood risk assessment. This includes the ground floor of the dwelling being raised 300mm above existing ground level at a minimum of 3.10m aOD.

The application indicates that foul water would be disposed of to a package treatment plant and that surface water from the roof of the building will utilise the existing outlets serving the barn. This matter can be addressed by means of a condition.

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

Ecology

The building is generally sealed and its interior is therefore unlikely to be inhabited by protected species such as Barn Owls or nesting birds. Nevertheless, it is therefore recommended that an ecological survey be carried out prior to works commencing on the building.

The scheme includes indicative details of additional tree and hedge planting. A net biodiversity gain condition is recommended in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

Archaeology

LCC Archaeology has indicated that the building reflects an important part of the modern history of South Holland, which during the early 20th century became a focus for horticulture and flower growing and development. It therefore recommends that a condition should be added to require photographic historic building recording prior to conversion. This will ensure that a record of the building's evidential value can be captured prior to any loss or alteration during the conversion process.

Planning Balance

The building itself is of traditional design and construction and likely dates from the early 20th century, and likely prior to the Second World War. It is structurally suitable for conversion and is of historic/architectural merit and classified as a non-designated asset (NDA).

The building's retention and re-use is therefore supported. The proposed conversion is sympathetic and generally retains the character/appearance of the building in terms of architectural detailing and materials of construction. The scheme would enhance the character/appearance of the locality.

No objections are raised on amenity or highway safety grounds. Flood risk, drainage, archaeology, and ecology can be addressed by means of conditions. There are no adverse matters of such weight as to outweigh factors in favour of the scheme, including the retention and re-use of a non-designated heritage asset.

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

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 (NPPF), 2021.

Recommendation

That the application be approved under delegated powers.