DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1004-22**	**Applicant:**	**Mr T Penny**
Proposal:	Proposed conversion of barn into residential dwelling		
Location:	Rear Of 58 Spalding Road Holbeach Spalding		
Terminal Date:	14th March 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic 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

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning application is sought for a change of use of an existing barn to a 3-bed dwelling.

Site Description

The building (early 20th Century) is a former granary/stable block located at the rear of no. 58 Spalding Road, Holbeach. It is constructed in red brickwork with a slate roof.

Houses are situated to the southeast (no. 56) and south-west (no. 60) fronting Spalding Road. A converted barn is located to the west (no. 60a). Bungalows are situated to the north (nos. 4, 6 and 8 Fairfields).

History

None

Consultation Responses

Holbeach Parish Council

No response received.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections.

Lincolnshire Bat Group

This is a sound report and note the need for a further survey prior to any works commencing - see section 5.1.2.

Public

Objections/comments received (summarised)
- Overlooking/lack of privacy
- Overcrowding
- Spoil peaceful environment
- Increased noise and pollution
- Extra traffic
- Request maintenance rights in respect of boundary fencing

Planning Considerations

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 relevant development plan in this case is the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposal is therefore satisfactory in spatial terms.

Character/Appearance and Heritage Impact

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. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 also states that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and historical buildings and heritage assets.

The proposal is a means of retaining an existing early 20th Century building on site and bringing it back into active use. It is a non-designated heritage asset of historic interest, with few periodic alterations. It would be sympathetically converted.

The proposal satisfactorily complies with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

Policies 2 and 3 of the 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 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Houses are situated to the southeast (no. 56) and south-west (no. 60) fronting Spalding Road. A converted barn is located to the west (no. 60a). Bungalows are situated to the north (nos. 4, 6 and 8 Fairfields). Fencing is located along the rear and eastern boundaries and a combination of hedging and fencing along the western.

The only first floor windows on the rear elevation facing 4, 6 and 8 Fairfields are associated with a bathroom and landing and can be obscure glazed. The side gables facing east and west are both blank at first floor level. First floor windows face south but are a satisfactory distance (approximately 7 metres) from the rear garden of no. 58. Overlooking of nos 56, 60 and 60a would be oblique and/or at a satisfactory distance. It is considered that the amenity of nearby residents/occupiers would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to satisfactory boundary screening.

It is accepted that use of the building as an independent dwelling would cause some noise and disturbance to neighbouring residents, including the coming and going of vehicles along the driveway. However, the extent is not such as to justify refusal and outweigh factors in favour of the scheme, including bringing a non-designated heritage asset back into active use.

In terms of the amenity, an area to the rear is available for use as garden and also for the storage of refuse, etc. No. 58 itself would be left with satisfactory rear garden (depth some 7 metres).

Maintenance issues concerning boundary fencing fall outside the remit of planning and are a civil matter.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the SELLP in terms of amenity.

Highway Safety/Parking Provision

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.

Car parking spaces have been provided for both properties. In any case, the site is close to the town centre, with shops, services and access to public transport all within walking or cycling distance. The Lincolnshire County Council Highways has been consulted and raises no objections.

The proposal satisfactorily complies with the aims and objectives of Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site-specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

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 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.

Addressing the above, bedrooms would be situated at first floor level. The flood Risk Assessment accompanying the application also recommends that the finished ground floor level of the proposed dwelling should be raised by 270mm above existing ground floor level to 3.63m aOD. All floor finishes should be suitable to withstand flooding for a few days and the lower parts of the wall and the skirting boards should be constructed with suitable materials to withstand the effect of flooding. All future occupiers of this property should register with the Environment Agency's Floodline Warnings Direct Service to receive automated early warnings of potential flooding.

In terms of drainage foul water would be disposed of via the mains sewer and surface water to soakaways.

The proposal satisfactorily complies with Policies 2, 3 and 4 of the SELLP in terms of flood risk/drainage.

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 would provide additional residential accommodation within the town and bring a non-designated heritage asset back into active use. It would not materially harm the character or appearance of the area or amenity of neighbouring residents. There are no objections on highway safety or flood risk grounds. The proposal therefore satisfactorily complies with the aims and objectives of Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021. There are no other issues of such weight as to outweigh factors in favour of the scheme.

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 planning balance lies in favour of the proposal. Therefore, this application is recommended for approval under delegated powers.