DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H12-0289-19**	**Applicant:**	**Mr K Russell**
Proposal:	Change of use from agricultural building to dwelling (Phase 2 of barn conversions)		
Location:	Adjacent: The Grange Marriots Gate Lutton		
Terminal Date:	9th May 2019		

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

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	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 dwelling (phase 2)

Site Description

The site is located on the south western side of Marriots Gate and is occupied by an agricultural building of brick construction with asbestos/cement fibre roof. An associated house ("The Grange") is located to the south and a converted barn immediately to the north.

Consultation Responses

LCC Highways - Does not wish to restrict the grant of permission.

Environmental Protection - Request note relating to contamination

LCC Archaeology - No further input required.

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 and ecology.

Policy

Policy 23 of the South East Lincolnshire Local Plan, 2019 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 building is of brick construction with steel columns. The submitted structural assessment indicates that the building is structurally sound and capable of conversion. The main elements of the building would be retained.

The building is not of significant architectural/historic merit but nevertheless, on balance, is considered worthy of retention and conversion. The proposed alterations are sympathetic and would retain and enhance the buildings agricultural character. It should be noted that Class Q allows the conversion of agricultural buildings such as this as permitted development, albeit with a reduced residential curtilage.

The proposal also complies with Paragraph 79 of the National Planning Policy Framework, 2019, which indicates that planning decisions should avoid new isolated homes in the countryside, unless

there are exceptional circumstances. They include the re-use of redundant or dis-used buildings where the development would enhance the immediate setting. It is therefore considered that the proposed development would amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.

Residential Amenity

A converted barn is situated immediately to the north and a farm house (The Grange) to the south west. A 2m high garden wall is proposed to the rear along part of the north -eastern boundary adjoining a patio area and thereafter fencing. Fencing is also located along the south western boundary. It is considered that the amenity of nearby residents would not be materially harmed in terms of such matters as overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Highway Safety

An existing vehicular access would be utilised. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

In terms of flood risk, the site is within Flood Zone 3 of the Environment Agency's Flood Maps. However, the flood maps 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 Holland 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". Guidance on Flood Risk identifies that a building used for a dwelling house is classed as a more vulnerable use. However, the Framework states at paragraph 164 that minor development and changes of use applications should not be subject to the Sequential or Exception 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.

Drainage

Foul water would be disposed of to a septic tank and surface water to soakaways. Ground conditions are considered to be suitable for such facilities within this part of the district.

Ecology

Whilst no evidence was seen of occupation of the building by protected species such as bats and barn owls it is nevertheless considered that an ecological survey should be carried out.

Contamination

The application is accompanied by a Contamination Screening Assessment. Environmental Protection has recommended a note relating to previously unidentified contamination.

Additional Considerations

Public Sector Equality Duty

In making a 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.Of specific relevance are 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.