

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0394-22 **Applicant:** S E King Building Contractors Ltd.

Proposal: Proposed Barn Conversion into Dwelling

Location: Leamlands Farm Leamlands Lane Lutton Marsh

Terminal Date: 3rd June 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
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 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
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
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	1	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing disused barn to provide a four-bed dwelling with a rear extension/projection and a detached garage/three bay car port.

Site Description

The barn is located within a farmyard in open countryside on the eastern side of Leamlands Lane. A barn is situated to the north and a pair of semi-detached dwellings (53 and 54 Leamlands Lane) to the north-west. A house is situated to the south (Leamlands Farmhouse) and a drain (Lutton Leam) beyond.

History

H12-1603-07 - Full - Change of use to Class Use B1 (Business) - Granted 23 July 2008.

H12-0391-22 - PAA - Change of Use of Barn to Residential - Under consideration.

Consultation Responses

Lutton Parish Council

No comments.

LCC Highways

No objections subject to informatives.

South Holland Internal Drainage Board

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 condition.

Environment Agency

Request that the development be carried out in accordance with the submitted flood risk assessment.

Public

Objection received (summarised):

- No benefits for residents or the community
- Services such as Wi-Fi are shockingly bad in the lane
- Water pressure bad
- Road unsuitable for additional development, farm traffic and construction traffic. Pot holes bad
- Wildlife already disturbed due of clearing of land
- Not affordable housing
- Not keeping in line with current buildings
- Noise/disturbance

Further comments (summarised):

- Make a pleasant view once the work has been complete and bring fresh faces to the area of such a small community
- Looking forward to old barns being modernised

Planning Considerations

The main issues in this case are:

- Policy/sustainability;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and ecology.

Policy/sustainability

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.

Policy 23 of the South East Lincolnshire Local Plan (SELLP), 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.

The above is in accordance with paragraph 80 of the National Planning Policy Framework, 2021. It promotes the re-use of redundant or dis-used buildings where the development would lead to an enhancement of the immediate setting.

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.

Assessing the proposal against the above policies,

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.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

A pair of semi-detached dwellings (nos. 53 and 54 Leamlands Lane) are situated to the north-west. A house is situated to the south (Leamlands Farmhouse). The separation distances are such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, light pollution, etc.

Concerns have been raised on grounds of noise/disturbance. However, it is considered that the proposal would not harm the amenity of neighbouring residents to a significantly greater degree in this respect bearing in mind the site's present use as a farmyard. Although it is appreciated that there may be some disturbance during the construction phase it would be temporary.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

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. They are in accordance with advice within the Framework, 2021. Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

An existing farm roadway would be utilised and gravelled. Adequate provision for parking and turning is proposed within the limits of the site. LCC Highways have been consulted and consider that the proposal would not result in an unacceptable impact upon highway safety. Since the access will be shared it needs to be 4.1 metres for the first 10 metres to allow two way vehicular movements in the interest of highway safety. The plans indicate that this will be so. The vehicle access crossing should also be made up to the County Council's specification within the extent of the public highway for it's proposed residential use.

The proposal satisfactorily complies with Policies 2, 3 and 36 concerning parking and highway safety.

Flood risk

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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designed as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located in a zone with a lower probability of flooding because it relates to an existing historic building. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

In terms of the first element, the proposal would provide wider sustainability benefits to the community that outweigh flood risk; namely the retention and re-use of a non-designated heritage asset, as promoted within the National Planning Policy Framework.

Concerning the second element, the flood risk assessment recommends that the floor level is 0.7m above the surrounding ground levels and there is 0.6m of flood resistant construction above finished floor level. It is also recommended that there is 0.9m of flood resilient construction above finished floor level. Sleeping accommodation will be on the first floor and future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

The eastern elevation of the building is open and there is evidence that the building is used by Barn Owls. It is therefore recommended that a Barn Owl box be erected as indicated within the submitted plans. Other biodiversity measures include the installation of bird and bat boxes and additional planting.

Planning balance

The building is a 19th century former granary of historic and architectural interest. The scheme is a means of retaining it and bringing it back into active use. It is structurally capable of retention and re-use, as confirmed by the preliminary structural report. The proposal includes significant extensions at the rear. However, they would replace existing utilitarian buildings and reflect the historical building form and would be sympathetic. The proposal would constitute an enhancement and would not harm the character of the countryside. The proposal is not therefore contrary to the main aims and objectives of Policies 2, 3 and 23 and is in accordance with advice within the Framework.

The proposal is considered acceptable on amenity, highway, flood risk grounds, etc subject to conditions. There are no adverse matters which outweigh factors in favour of the scheme.

Conclusion

The proposal satisfactorily complies with Policies 2, 3, 4, 23, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019. The planning balance lies in favour of the scheme.

Recommendation

Grant permission subject to 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.

Recommendation

Grant permission subject to conditions.