DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0523-23**	**Applicant:**	**Mrs C Hyden**
Proposal:	Re-build brick boundary wall, patio area and installation of sewage treatment plant.		
Location:	Garnsgate Hall Lutton Garnsgate Long Sutton		
Terminal Date:	3rd August 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the reconstruction of a brick boundary wall, the installation of a patio area and a replacement sewage treatment plant.

Site Description

Garnsgate Hall is a Grade II* Listed, early 18th Century house. The Historic England Listing description describes the building as such:

"House and adjoining walls. Early C18 with C19 and C20 alterations. Red brick. Slate roof. 2 gable and single ridge stacks. Single gable stack to the rear. Brick coped gables. C20 patching to eaves with wooden cornice. Plinth and first floor band. T-plan. 2 storeys, 7 bays. Central doorway now part blocked with inserted glazing bar sash. C19 porch open to front with Doric half columns and carved heads on dosserets. Either side are single narrow glazing bar sashes and further left and right 2 glazing bar sashes. Corresponding window pattern above with glazing bar sash over doorway. All sashes with flush wedge lintels. Left gable wall with stepped band to first floor. Projecting from the left is a red brick wall broken by a small gateway with 2 red brick piers with moulded ashlar coping and terminating in a single similar pier. Extending from this pier at a right angle in front of the house are spiked iron railings broken by 2 small gateways and terminating in a single similar pier. Interior. Moulded and bolection panels to a single room and single wall of a further room. 2 rooms on the first floor with similar panelling, one with bolection fire surround. Some doors with moulded panels and L hinges. Panelled shutters. Fielded panels to stairs. Good open well staircase extending to the top floor with barley sugar balusters with turned bases."

The associated boundary wall and railings should also be noted as they form an integral part of the listing.

The area surrounding the property is characterised as open countryside and the only properties in close proximity to the application site are unremarkable C20th agricultural buildings.

History

H12-0372-94

Proposed alterations internally and externally. APPROVED on 05/04/1995

H12-0075-10

External security alarm box (retrospective). APPROVED on 01/04/2010

H12-0309-10

Internal Works. APPROVED on 27/07/2010

H12-0308-10

Erect timber stables and timber gates with post and rail fence. APPROVED on 27/07/2010

H12-0661-10

Details of materials, design and method of construction of cupboard in bedroom 2 (Condition 3 of H12-0309-10). APPROVED on 27/08/2010

H12-0129-11

Replacement of cement pointing, insertion of helibars, chemties and bowties to areas of defective brickwork and repairs to internal chimney structure. APPROVED on 21/04/2011

H12-0460-11

Re-instatement of shutter doors to north west windows of bedroom 3, cupboard over south facing window of bedroom 2 and doors at foot and top of stairs between kitchen and snug. APPROVED on 03/08/2011.

H12-0015-12

Change of use from residential to residential/bed and breakfast (retrospective). Declared as PERMITTED DEVELOPMENT on 23/01/2012.

H12-0014-12

Change of use from residential to residential/bed and breakfast (retrospective). APPROVED on 27/02/2012

H12-0095-12

Removal of airing cupboard containing hot water heating cylinder and boiler from utility room and replace with extended unvented system and boiler in garage. APPROVED on 05/04/2012

H12-0148-12

Proposed post and rail fence and wooden field gate. APPROVED on 04/05/2012

H11-0533-12

Internal alterations - cornice to first floor bedroom and amendment to panelled door surround. APPROVED on 03/09/2012

H12-0908-12

Proposed conversion of outbuilding to staff accommodation annexe. REFUSED on 19/12/2012

H12-0975-12

Proposed gazebo, shed, horse shelter, log store, trellis, dog kennels and bin store. APPROVED on 18/01/2013.

H12-0131-13

Large scale details of the gazebo (Condition 3 of H12-0975-12). APPROVED on 13/03/2013

H12-0592-13

Conversion of garage/store to create first floor office. APPROVED on 23/08/2013

H12-0812-13

Vehicular passing place, pull in and path to front of Garnsgate Hall (retrospective). REFUSED on 21/11/2013

H12-1086-13

Details of windows, doors and rooflights (Condition 3 of H12-0592-13). APPROVED on 03/03/2014

H12-0031-14

Replacement of timber gates with wrought iron gates and extension of path. APPROVED on 24/04/2014

H12-0030-14

Replacement of timber gates with wrought iron gates and extension of path. APPROVED on 24/04/2014

H12-0411-14

Details of footpath (Condition 3 of H12-0031-14). APPROVED on 09/06/2014

H12-0410-14

Details of footpath (Condition 3 of H12-0030-14). APPROVED on 09/06/2014

H12-0614-14

Re-instatement of cornice gutter, dormer windows, central chimney and re-furbishment of second floor. APPROVED on 10/10/2014

H12-0613-14

Re-instatement of cornice gutter, dormer windows, central chimney and re-furbishment of second floor. APPROVED on 10/10/2014

H12-0932-14

Landscaping including paved surface to rear of house and restoration of previously demolished garden boundary wall. APPROVED on 02/02/2015

H12-0642-15

Details submitted relating to constructional drawings, bricks and cornice (Conditions 3, 4 and 5 of H12-0614-14). APPROVED on 21/08/2015

H12-0641-15

Details submitted relating to constructional drawings, bricks and cornice (Conditions 3, 4 and 5 of H12-0613-14 (Full)). APPROVED on 21/08/2015

H12-0227-20

Change of use from "part bed and breakfast/part residential' back to full residential. APPROVED on 20/05/20

H12-0892-22

Installation of solar panels to roof of garage. APPROVED on 9/11/22

Consultation Responses

South Holland Internal Drainage Board

- *Byelaw 3 (Surface Water)*

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

- *Byelaw 3 (Treated Foul Water)*

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment via a package treatment plant. This proposal will require consent under Byelaw 3.

- *Section 23, Land Drainage Act 1991*

Whilst not immediately adjacent to the site boundary, I note the presence of a Board Maintained watercourse (DRN199G3002 - H30 Lutton Eau) adjacent to the eastern side of Lutton Garnsgate, and the applicants proposals include a discharge to this watercourse. Whilst not currently proposed,

should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

- *Byelaw 10*

I note that the applicant intends to carry out works including installation of a moled pipe and treated foul water outfall within 9 metres of the aforementioned Board Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. 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.

Lincolnshire County Council Historic Environment Officer

No archaeological input is required

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any harm proposed to the significance of the heritage asset. The applicant seeks to install a replacement boundary wall and timber fence. The replacement wall is proposed to be visually like-for-like to the existing. The fence would be timber, close boarded. Although details of the fence have not yet been confirmed, this sort of fence is not uncommon for such sites with large curtilages in need of viable enclosure and would be situated far enough from the house as to not represent a harmful impact. The existing rear patio is incongruous and of modern materials, and therefore their replacement and expansion does not represent a harmful factor in assessing this application. By means of condition, it will be ensured that all materials are fully appropriate to the historic setting and to the preservation of the special interest in the listed property.

Residential Amenity

The proposal site is not within close range of any other residential properties, and the proposal does not seek the creation of additional windows or openings. Furthermore, no physical additions to the site would be sufficiently large to represent a material risk to any residences in the surrounding area. Therefore, it is considered that there is no material risk of overlooking or overshadowing represented by this application.

Drainage Issues

The South Holland Internal Drainage Board (SHIDB) have been consulted and have raised no objections to the proposal. However, they have asked that the applicant be made aware of their obligations to the SHIDB in relation to any works regarding drainage - this shall be reiterated by means of informative conditions.

The existing septic tank is clearly inadequate. When the case officer visited the site, there was clear evidence of overflow. It is therefore, to the benefit of the drainage at the site that a more appropriate solution be found in terms of capacity.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (SELLP) and Sections 12 and 16 of the NPPF. Therefore, this application is recommended for approval.

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.