DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H14-1128-23**	**Applicant:**	**Mrs J Cassidy**
Proposal:	Details of finished floor levels, ecological survey & ecological biodiversity measures (Conditions 4, 6, & 7 of H14-1146-21)		
Location:	Eight Horse Barn Money Bridge Lane Pinchbeck		
Terminal Date:	15th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance
National Planning Policy Framework 2023
Planning Practice Guidance Town & Country Planning (GPDO) Order 2015 (as amended)
Permitted Development Rights - Class Q

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance at Eight Horse Barn, Money Bridge Lane, Pinchbeck for details of finished floor levels, ecological survey & ecological biodiversity measures (Conditions 4, 6, & 7 of H14-1146-21). The parent application sought permission to convert a barn to a dwelling under Class Q of the General Permitted Development Order (2015).

This application has been amended to remove assessment of Condition 3 of H14-1146-21 relating to drainage.

SITE DESCRIPTION

The site is located in open countryside on the eastern side of Money Bridge Lane. It is occupied by the existing agricultural building to be converted, with an additional corrugated steel agricultural building 10 metres to the north. A dwelling known as Peartree House is located 65 metres away to the south west of the site on the opposite side of the road. Arable fields are located to the east, with dwellings located 180 metres to the north, and 205 metres to the south. The site is partially in Environment Agency Flood Zone 3, and is subject to "low hazard" with a maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H14-1146-21

Prior Approval - Change of use of agricultural building to a single dwelling - Approved - 20 January 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 23 January 2024 to 13 February 2024.

Pinchbeck Parish Council - 02 February 2024

"No comment"

Lincolnshire County Council - Highways & SUDS - 05 February 2024

No Objections - *"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 or increase surface water flood risk and therefore does not wish to object to this planning application."*

Black Sluice Internal Drainage Board - 07 February 2024

"It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval. No evidence appears to have been submitted. Should the applicant decide to progress as per the plans, then this will be entirely at the applicant's risk. If it is subsequently found that soakaways prove unsuitable, then the applicant will be responsible for rectifying the matter to the Board and planning authorities' satisfaction. If any subsequent discharge is to any watercourse within the Black Sluice IDB district, then the applicant will be required to obtain prior written consent from the Board (a relaxation of IDB Byelaw No.3)."

"It is understood that foul water from the development is to be discharged via a new vacuum chamber, but it is not clear to the Board whether this is a bio-treatment unit which will filter the foul water discharge to an acceptable standard into the proposed soakaway chamber. Again, if the applicant intends to go ahead as per their plans, then this is entirely at their own risk."

"If any subsequent discharge is to any watercourse within the Black Sluice IDB district, then the applicant will be required to obtain prior written consent from the Board (a relaxation of IDB Byelaw No.3), and a discharge fee will be due based on the rate of flow in cubic metres per day. The consent of the Environment Agency may also be required."

"There are believed to be open watercourses bounding or crossing the site. If the applicant or their successors intend to pipe or fill any watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required. Works

may include any proposed permanent or temporary works or structures, infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Compliance with Conditions 4, 6 and 7 of H14-1146-21.

EVALUATION

Compliance with Condition 4 of H14-1146-21 - Flood Risk - Floor Levels

Condition 4 states:

"Finished floor levels shall be set 300mm above average ground levels in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

The site is partially in Environment Agency Flood Zone 3, and is subject to "low hazard" with a maximum flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. When the section drawing of 541.WD.02 A is measured it demonstrates that finished floor levels will be set 300mm above average ground levels.

As the nearest dwelling is 65 metres away to the south-west there is not considered to be an overshadowing or overlooking impact from the raised finished floor level.

Condition 4 of H14-1146-21 is considered to have been addressed.

Compliance with Condition 6 of H14-1146-21 - Protected Species

Condition 6 states:

"Before any works are commenced an ecological survey shall be carried out to determine the presence, or otherwise, of protected species upon the site and the results of such a survey shall be submitted to the Local Planning Authority. If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing before any works are commenced and thereafter be carried out in accordance with the approved details prior to occupation.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2021."

A Protected Species Report was submitted to address the presence of protected species on site. With regard to bats the report states: "Limited evidence of pipistrelles using the barn (droppings - indicative of foraging behaviour only). The barn has low roosting potential."

With regard to the birds the report states "Partially constructed old wren nest was noted in a cavity

in the eastern barn. Other potential features suitable for use by other breeding birds species. Collection of old barn owl pellets in eastern barn indicative of occasional roosting." Addressing voles and otters the report states: " Wet ditch to the west of the barn is considered to provide suitability for water vole. A single hole was noted in the western ditch bank which superficially looked like water vole but there was no other evidence to confirm this." For hedgehogs the report states: "Limited foraging habitat within the application area, whilst the grassland habitat directly adjacent to the red line boundary is suitable for this species."

Addressing the presence of reptiles, the report states: "Limited foraging habitat within the application area, although the
rough grassy areas directly adjacent to the red line boundary is suitable for this group (particularly species such as slow-worm). This area is connected to other suitable reptile habitat." With regard to amphibians the report states "Limited terrestrial habitat within the application area (hardstanding). The rough grassland directly adjacent to the red line boundary is suitable for this group. The western wet ditch is considered to provide limited breeding suitability. A single pond was located 270m to the south-east."

This observation concludes "An assessment of the approved development indicates no direct impact on any habitat (only the building and hard surfacing) and as such potential impacts are only on bats and breeding birds. There is potential for greater impacts on other protected species if any of the surrounding habitats are impacted by any future application."

There is considered to be a low ecological value to the site due to the limited evidence of the presence of habitats suitable for protected species in an around the proposed development.

Condition 6 of H14-1146-21 is considered to have been addressed.

Compliance with Condition 7 of H14-1146-21 - Ecological Biodiversity Measures

Condition 7 states:

"Prior to works commencing on the buildings full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved prior to occupation.

Note: 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 and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021."

Within the Protected Species Report under the Section titled Mitigation / Enhancement Measures the text states:

"In order to satisfy Condition 6 and 7 and provide suitable mitigation for the site based on the results of the PEA and further bat survey, the following measures should be implemented into the scheme;

Mitigation
· Incorporation of a bat friendly lighting scheme;
· Use of 1F bitumen hessian reinforced felt under the pantile roof if to be replaced;
· Clearance of any suitable breeding bird habitat outside of the nesting period;
· Installation of a wren bird box onto the northern elevation of the barn;
· Installation of one barn owl box onto the eastern elevation of the barn;
· Careful working methods to safeguard reptiles/amphibians/small mammals.

Enhancement
· Installation of one bat box onto the western gable of the barn;
· Installation of two sparrow boxes onto the northern elevation of the barn."

It is considered that the measures are of a sufficient quantity for the site that will give ample

opportunity for the preservation and enhancement of ecological biodiversity on and around the barn conversion.

Condition 7 of H14-1146-21 is considered to have been addressed.

CONCLUSION

Conditions 4, 6 and 7 of H14-1146-21 are considered to have been addressed.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.