

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-1152-19 **Applicant:** Mr M & Mrs M Ward
Proposal: Change of use from agricultural barns to dwelling - resubmission of H17-1140-18
Location: La Castagna Cheal Road Surfleet
Terminal Date: 23rd January 2020

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
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a change of use from agricultural barns to dwelling - resubmission of H17-1140-18 - at La Castagna, Cheal Road, Surfleet.

The main external alterations to the previously approved plans are:

- The removal of the external frameless glass link between the western and northern buildings
- A new roof to the western barn which is higher and has an increased span to allow for a new hallway on the courtyard side of the building.
- Replace existing door on western elevation of northern barn with a window
- Additional window on western elevation of western barn
- Minor alterations to proposed fenestration on southern barn
- Introduction of new windows on eastern facing elevations

There are also some minor alterations to the internal layout but generally the existing structure of the barn is respected.

Access arrangements remain the same and the landscaping concepts are similar.

Site Description

There are three brick built barns on the site which form a traditional 'U' shaped footprint and have a historic character. These were formerly flanked by shelter like structures constructed from corrugated steel sheets on the eastern and southern sides which have now been removed.

The barns are set within a large plot with grassed land surrounding on 3 sides. There is an existing dwelling to the west. There are a small number of other dwellings in the vicinity.

History

H17-1140-18 - Change of use of agricultural building to dwelling (Use Class C3) (approved December 2018)

Consultation Responses

Welland and Deepings IDB - Applicant is currently in the process of submitting an application for consent to discharge surface water with the Board which we are happy in principle with.

SHDC Environmental Protection - Requests last two parts of standard contaminated land condition.

Planning Considerations

Principle

The site benefits from an extant permission for the change of use of the barns to a dwelling. Although the previous application was determined under the old development plan, the general thrust of the replacement policy in the adopted plan (Policy 23) remains the same.

The complex of buildings is of historic merit, is structurally sound and capable of conversion without

the need for significant extension, alteration or rebuilding (criteria 2 and 3 of Policy 23). The principle of a barn conversion is therefore considered acceptable.

As such, the key matters to be assessed in this case are whether the proposed amendments to the approved scheme are acceptable taking into account the material considerations below.

Character and Appearance

The most notable external alterations to the approved plans are the removal of the external frameless glass link between the western and northern buildings and the introduction of a new roof to the western barn which is higher and has an increased span to allow for a new hallway on the courtyard side of the building.

Although the glass link would have been an interesting feature, its removal (along with the new hallway on the courtyard side) allows for a more visually sympathetic conversion and better use of the existing internal space.

Some alterations to fenestration are proposed. By and large the existing openings are utilised but these are supplemented by a small number of new relatively small window openings. The north facing elevation of the northern barn is effectively the principle elevation and only the existing openings would be used. Given that the new openings are on less prominent elevations and are modest in size, it is not considered that these have a material adverse impact on the character and appearance of the building.

The existing rooms within the barns are used where possible.

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan. Policy 2 requires sustainable development considerations to be met, including quality of design. Policy 3 refers to the appropriate reuse of historic buildings. It is also in accordance with criteria 3, 4 and 5 of Policy 23 which relate to design considerations in the reuse of buildings in the countryside.

Residential Amenity

It is not considered that the proposed amendments to the approved scheme would have a material adverse impact on residential amenity.

A good size external amenity area would still be retained for the existing property to the west.

Closeboard fencing would be installed to the west of the barns to separate the new property from the existing dwelling (as previously proposed) and windows would be at such an angle that there should be no issues of overlooking.

The proposal is therefore considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Contamination

Above and below ground fuel tanks were located on the site until very recently. A Preliminary Geo-Environmental Risk Assessment has been submitted in support of the application but colleagues in Environmental Protection have requested that further sampling take place from the area below the above ground tanks as well as the sides and base underneath the below ground tank. This is to be secured by imposing the final 2 parts of the Council's standard contaminated land condition, which will assist in ensuring compliance with Policy 30 of the Local Plan with regard to pollution.

Protected Species

A bat evening emergence survey accompanies the application. This states that no bats were recorded emerging from the buildings and therefore concludes that the surveyed buildings are not being used as a roost site for bats. Precautionary measures are recommended - including the installation of two bat boxes - which shall be conditioned.

The proposal is therefore considered to be in accordance with Policy 28 of the Local Plan which, amongst other things, seeks to protect priority species and ensure that development provides

suitable mitigation measures.

Other Matters

Flood risk - The submitted flood risk assessment recommends that finished floor levels (FFLs) be set at a minimum of 3.35m OD. FFLs are actually proposed to be 3.92m OD. The proposal would therefore be in accordance with Policy 4 of the Local Plan which requires suitable mitigation measures to be identified to protect occupants from flooding.

Parking - Policy 36 of the Local Plan requires vehicle parking provision to be in accordance with the minimum standards set out in Appendix 6 of the Plan. 2 spaces are required for dwellings with up to 3 bedrooms. Given the size of the curtilage, there is more than adequate room for vehicle parking.

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

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3, 23, 29, 30 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12, 14, 15 and 16 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.