DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0783-22**	**Applicant:**	**Mr & Mrs O'Kane**
Proposal:	Demolition of existing barn (building 2) and erection of dwelling		
Location:	Land North Of The Oaks 251 Broadgate Road Sutton St Edmund		
Terminal Date:	4th October 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
11	Distribution of New Housing
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 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
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site is part of an area of land that received planning permission for a change of use of 3 no. redundant farm buildings to residential (ref. H19-0852-15 and H19-0838-18 which was a section 73 modification). Barn 3 has been converted, whilst Barn 1 subsequently received permission for a new building (re. H19-0757-18 and H19-0167-19), which has now been constructed.

This application is to demolish Barn 2, which is single storey, and replace it with a new dwelling.

Site Description

The site is located on the western side of Broadgate to the north of The Oaks (house) and is occupied by a single storey brick and slate barn. A two storey dwelling (no. 255) has recently been constructed to the north and a barn conversion (no. 255A) is situated along the frontage to the north-east on the opposite side of the access.

Three new dwellings (nos. 257, 257A and 257B) are located further to the north and thereafter a converted chapel (no. 259). St Edmund's Church (grade II listed) is situated approximately 115 metres to the north. Residential properties are also located opposite.

Relevant Planning History

H19-0852-15 - Full - Change of use of 3 no. redundant farm buildings to residential - Granted 3 November 2015.

H19-0329-16 - Cond Comp - Details of Desk-Top Study and Archaeological Investigation (Conditions 17 and 18 of H19-0852-15) - Approved 31 May 2016.

H19-0757-18 - Full - Demolition of existing barn and erection of new building for use as a single residential dwelling - Granted 23 October 2018.

H19-0838-18 - S73 - Change of use of 3 redundant farm buildings to residential - approved under H19-0852-15 - Modification of Condition 2 to allow amendments to previously approved plans.

H19-0167-19 - S73 - Demolition of existing barn and erection of new building to use as residential dwelling - approved under H19-0757-18. Modification of Conditions 2, 7 & 9 to allow amendments to previously approved plans to include doors and windows - Granted 15 April 2019.

H19-0980-19 - Full - Demolition of existing barn and rebuild as dwelling (Building 2) - Withdrawn 5 June 2020.

Consultation Responses

Sutton St Edmund Parish Council

No response received.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

North Level Internal Drainage Board

No comments.

Lincolnshire Bat Group

European Protected Species licence will be required.

Material Considerations

Principle

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.

The site is located within Sutton St Edmund Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019 and this is a variation of a permission (ref. H19-0838-18) that has been implemented. No objections are therefore raised on spatial grounds.

Character/Appearance and Heritage Issues

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposed building would replace the existing barn, which has some heritage interest but has been the subject of alterations in the past. Whilst the Authority would normally seek the retention and conversion of the existing building its removal is difficult to resist in this case because it is not a listed building or within a conservation area. Also, the site is within the defined settlement boundary. The alternative option, therefore, is to seek a replacement that reflects the character/appearance of the existing building. The proposal is considered satisfactory in this respect. It would be difficult to resist on grounds that it would materially harm the character or appearance of the rural locality or the setting of the converted chapel further to the north, which is a non-designated heritage asset. It would not affect the setting of St Edmund's Church (grade II listed).

The proposal therefore satisfactorily accords with Policies 2, 3 and 29 of the SELLP in this respect.

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.

The proposed dwelling has a blank elevation facing south and west. The principal openings would face a courtyard that would mainly be enclosed. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. This is taking into consideration the previous use as part of a farmyard.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP 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.

The above policies 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.

The proposed development would utilise an existing vehicle access that has sufficient visibility in both directions and that has, in the past, been used by large agricultural vehicles. Also, sufficient space would be retained within the site for vehicles to be able to turn around and the proposed development is accessible on foot by means of the existing frontage footway. Therefore, 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 and so does not wish to object to this planning application.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

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 lies within Flood Zone 2 of the Environment Agency's Flood Maps. However, the Council's hazard map in the South Holland Strategic Flood Risk Assessment (SFRA) concludes that the site would be unaffected in the event of a breach of flood defences. The proposal therefore satisfies the sequential test.

Contamination

Condition 17 of H19-0852-15 included a requirement for consideration of land contamination. This was discharged under H19-0329-16. Environmental Protection has since advised that their database shows unknown filled ground around 50m from the site which was not identified during the previous desk study and as such the applicant may wish to incorporate this into the conceptual model. They therefore requested that an informative be added to any planning permission concerning unexpected contamination.

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 enhancements.

The application is accompanied by an ecological survey which recommends various ecological measures.

Archaeology

LCC Archaeology has indicated that this building has already been subject to a programme of historic building recoding in association with previous permission H19-0838-18. It is therefore recommended that no further archaeological input be required in association with the present application.

Planning Balance

The site is located within Sutton St Edmund Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019 and this is a variation of a permission (ref. H19-0838-18) that has been implemented. No objections are therefore raised on spatial grounds.

The proposed building would replace the existing barn, which has some heritage interest but has been the subject of alterations in the past. Whilst the Authority would normally seek the retention and conversion of the existing building its removal is difficult to resist in this case because it is not a listed building or within a conservation area. The proposal is considered acceptable on design grounds and would harm/affect designated and non-designated heritage assets within the locality.

No objections are raised on amenity, highway safety grounds, etc.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 11, 29, 30 and 26 of the South East Lincolnshire Local Plan, 2019. There are no material considerations that outweigh factors in favour of the scheme.

Conclusion

For the reasons outlined above the planning balance lies in favour of the scheme.

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

That the application be approved under delegated powers, subject to conditions.