

APPLICATION NO	PA/2018/1736
APPLICANT	Mr Max Lambert
DEVELOPMENT	Planning permission to change the use of an agricultural barn to a C3 (residential) use
LOCATION	Barn, Drainhead Farm, South Street, Owston Ferry, DN9 1RR
PARISH	Owston Ferry
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Owston Ferry Parish Council

POLICIES

National Planning Policy Framework: Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting
- (d) the development would involve the subdivision of an existing residential dwelling, or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

North Lincolnshire Local Plan: DS1, RD2, RD9, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS5, CS17, CS19

CONSULTATIONS

Highways: No objections subject to conditions.

Ecology: No objection subject to a condition linking the permission to the submitted ecology report.

Environment Agency: No objections subject to a condition linking the permission to resilience measures within the Flood Risk Assessment and finished floor levels no lower than 5.5 metres above Ordnance Datum (AOD).

PARISH COUNCIL

Objects to the proposal on the grounds that the access and egress are unsafe.

PUBLICITY

The application was advertised by site notice in accordance with Section 15 of the Development Management Procedure Order 2015 (as amended).

One letter of objection have been received in relation to impacts upon amenity specifically in relation to overlooking from the balcony. Another letter of comment has been received questioning the location of the Juliet balcony.

ASSESSMENT

Site characteristics

The site is located to the south of the settlement of Owston Ferry in the open countryside as identified by the Housing and Employment Land Allocations DPD 2016. The site is also located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011.

The agricultural building is currently unused and is located on South Street opposite dwellings that also front South Street. The dwellings opposite have walk-on balconies to the front that allow for views over the open countryside. The vacant barn is open at ground level on its northern elevation and there are existing openings located around the building. The barn appears to be in sound structural condition.

The applicant seeks a change of use of the building to form a residential dwelling. **The assessment will therefore focus on the following issues:**

- **principle of development**
- **flood risk**
- **amenity**
- **ecology**
- **highways.**

Principle of development

Policy RD9 of the North Lincolnshire Local Plan is concerned with the re-use and or adaption of rural buildings for residential use in the open countryside. The policy allows for conversion to residential if the building is of architectural merit or historic importance to the rural scene, residential use is the only way to secure the retention/improvement, the development will not create a need for new development, the general design of the conversion retains and respects the original character, and lastly, that the development will not lead to loss of habitat for protected species.

The barn is a well-established building that has informed the countryside vernacular for decades, pre-dating much of the residential development that is located on the opposite side of South Street. The barn is currently vacant and has been for some time and during this period no other use has come forward. The applicant has proposed a design that respects and enhances the existing built form of the barn working with the inherent features of the building. Lastly, the applicant has submitted an ecology report that the council's ecologist concurs with.

It is therefore considered that the proposal would accord with policy RD9 of the North Lincolnshire Local Plan and is acceptable in principle.

Flood risk

The proposal is located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA. The applicant has submitted a flood risk assessment which contains

the exceptions test. The change to residential would introduce a more vulnerable flood use to the building and the applicant has put forward resilience measures within the exceptions test.

Both the LLFA and the Environment Agency (EA) have been consulted, only the latter having made comments. The EA has stated that there is no objection to the proposal subject to the imposition of a condition requiring finished floor levels to be above 5.5 metres AOD and another linking any permission to the resilience measures within the exceptions test.

The proposal, subject to the aforementioned mitigation, is considered to align with policies CS19 of the North Lincolnshire Core Strategy and DS16 of the North Lincolnshire Local Plan.

Amenity

Part of policy DS1 of the North Lincolnshire Local Plan is concerned with impacts upon residential amenity. It states that "...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing;"

The applicant proposes to utilise the existing openings to the barn, one of which is an east-facing door at first floor which looks onto South Street. There has been both an objection and a representation stating that the proposal would overlook the openings and balconies of adjacent properties. The applicant proposes a Juliet balcony on this elevation. The separation distance from this elevation to the nearest property is approximately 20 metres, there is a road in between both units and the height of the Juliet balcony is lower than that of the first-floor balcony and openings on the dwellings opposite. Furthermore, the impact from the Juliet balcony would be at no greater harm than a standard opening. Whilst there will be some impingement upon the neighbouring properties by virtue of overlooking, it is not at a level that would warrant refusal given the orientation and the separation distance. All other openings are in a location that would not give rise to an unacceptable level of visual intrusion.

The applicant also proposes a sufficient and proportionate amount of private amenity space. It is therefore considered that the proposal is in accordance with policy DS1 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity. It sets out a list of principles for biodiversity enhancement and is supported by paragraph 170 of the National Planning Policy Framework (NPPF).

The barn, given it is currently vacant, has potential for roosting bats and birds. The ecologist originally put forward a holding objection subject to an ecological appraisal. This has subsequently been received and the ecologist re-consulted, and his objections have been removed subject to the imposition of a condition requiring the developer to carry out the development in accordance with the mitigation measures put forward within the application.

It is therefore considered, subject to the afore-mentioned mitigation, that the proposal aligns with policy CS17 of the Core Strategy and paragraph 170 of the NPPF.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision. Both are considered relevant.

The council's highways team have been consulted and originally put forward a holding objection subject to further information being received. A new block plan has subsequently been submitted showing an improved access arrangement as well as off-street parking provision. The Highways officer has reviewed the information and has no objection subject to the imposition of conditions, one requiring further details prior to development.

Given the afore-mentioned mitigation, it is considered that the proposal would be in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Pre-commencement conditions

As required by the introduction of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the conditions have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans drawing 3 OF 3; Proposed Plans and Elevations Drawing 2 of 3.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (compiled by Howard J Wroot, dated September 2018) and 'proposed plans and elevations' drawing, including the following mitigation measures:

- finished floor levels set no lower than 5.5 metres above Ordnance Datum (AOD)
- no living accommodation on the ground floor (as stated in section 5.4 of the FRA)
- resilience measures incorporated (as in section 5.5 of the FRA).

These mitigation measures shall be fully implemented prior to occupation, and retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

8.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 9 and Figure 7 of the submitted Preliminary Bat Roost Assessment document reference number HW.31.10. The management prescriptions set out in section 9 of the Preliminary Bat Roost Assessment document shall be carried out in their entirety. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition. All biodiversity features shall be retained thereafter.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

Informative 1

The use of flood proofing and resilience measures is strongly recommended by the Environment Agency. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. The following documents may also be useful:

- Department for Communities and Local Government: Preparing for floods:

<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>

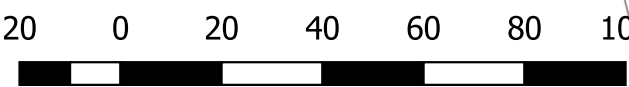
- Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

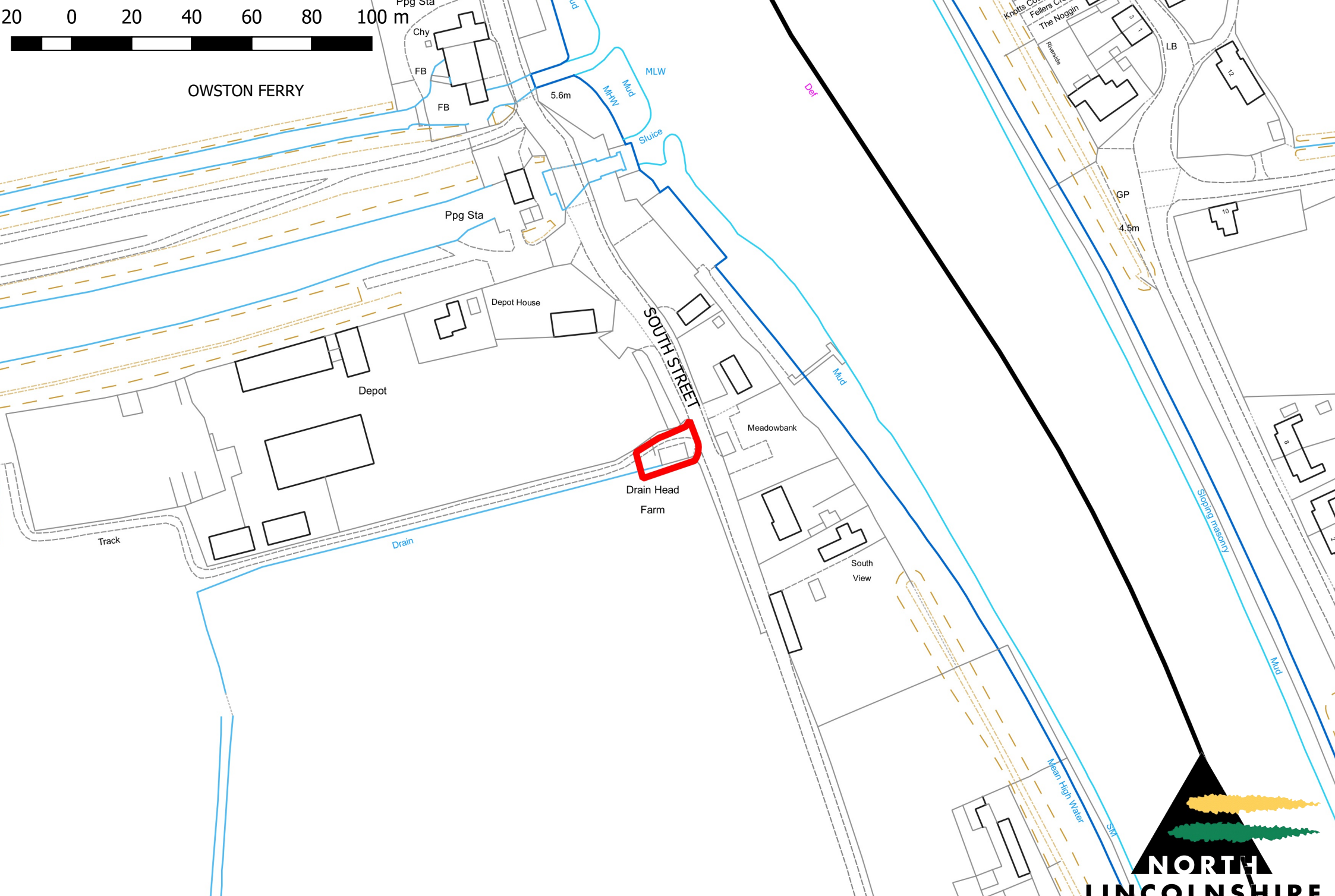
This site is at risk in an extreme flood, should there be any breach of the defences at this location. The area is serviced by the 'River Trent at Owston Ferry' Flood Warnings. We strongly recommend this service be utilised as part of a flood plan for this development. To sign up for flood warnings visit: <https://www.gov.uk/sign-up-for-flood-warnings>.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



OWSTON FERRY



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