

<b>APPLICATION NO</b>	<b>PA/2021/536</b>
<b>APPLICANT</b>	Mr Paul Mills
<b>DEVELOPMENT</b>	Planning permission for the change of use of a barn and for internal alterations and refurbishment of existing stores, garage and barn to provide ancillary residential accommodation
<b>LOCATION</b>	Bracken Court, Brackenhill Road, East Lound, Haxey DN9 2LR
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 127 states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS6 (Historic Environment)

CS16 (Landscape, Greenscape and Waterscape)

## **North Lincolnshire Local Plan:**

Policy HE5 (Development affecting Listed Buildings)

Policy DS1 (General Requirements)

Policy DS5 (Residential Extensions)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy LC14 (Area of Special Historic Landscape Interest)

## **Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

## **CONSULTATIONS**

**Highways:** No comments or objections.

**Drainage (Lead Local Flood Authority):** Clarification is required as to the incoming/outgoing connections for the existing pond and watercourse network located north of the development (inside the developer's land ownership). Overtopping of this drainage feature may occur and requires some consideration.

The LLFA Drainage Team has no objection to the proposed development subject to a condition requiring a detailed condition survey of the pond and watercourse network located north of the development site.

Our records indicate that the proposed development site is bounded by a pond and watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team prior to any further construction works being carried out. Reference should be made to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership'. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

**Environmental Protection:** This application for residential development is a sensitive end use. The site's former uses as stores, garage and barn have the potential to be impacted upon by contaminants such as hydrocarbons, agrochemicals and asbestos, which are harmful to human health. Recommend a full site contamination survey.

**Historic Environment Record:** The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Do not consider that this proposal would adversely affect the character of the landscape heritage asset or its setting. No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area at the rear of the dwelling.

**Conservation:** No objection subject to conditions. These 19<sup>th</sup> century farm buildings are non-designated heritage assets that contribute to the local character and distinctiveness of East Lound and are worthy of conservation. They are also within the setting of East Lound Farm House, a grade II listed 18<sup>th</sup> century farm house on the opposite side of the road. The residential use is supported as it will provide a long-term use for these buildings ensuring their survival.

The conversion has been well designed to retain the buildings' character and appearance and is acceptable. There are no negative impacts on the setting of the listed building. What will be important is that the correct materials and details are used in this sensitive location.

Should the planning department be mindful to approve the application then appropriate conditions should be included requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation.

## **PARISH COUNCIL**

Objects, making the following comments:

- in principle does not object to the conversion of the non-dwelling buildings, however concerned at particular aspects of the proposal
- impact on neighbouring properties through loss of privacy and noise
- in relation to noise, the drawings lack any detail as to how the buildings will be upgraded to modern standards (double skinning) given the proximity to the boundary to the west, and no assessment is provided as to mitigating the impact of noise, which will be significantly different to its current use as a barn
- the lack of detail on the drawings makes it difficult to assess whether it would provide modern sustainable standards of environmental insulation, other than references to a bland reference to building regulations
- the proposal for a balcony area will affect the privacy of the property to the west and the small window along the western part of the balustrade will directly overlook the property next door, as will the balcony itself
- as most of the buildings exist, there should be no impact on the street scene
- the second kitchen proposed suggests an intention to form two separate dwellings.

## **PUBLICITY**

Advertised by site and press notice. One response has been received, objecting to the proposal for the following reasons:

- lack of detail on the submitted plans, including dimensions
- will require access to neighbouring property during construction
- impact on amenity during construction

- overlooking to garden from the balcony
- the window to the north of the west wall, if opening and/or plain glazed, would overlook neighbouring rear wall back door, patio doors and patio
- potential permanent noise disturbance.

## **ASSESSMENT**

### **Site**

The application site is an existing dwelling, with associated two-storey barns, on the north side of Brackenhill Road in East Lound.

The site is not within a conservation area but falls within 30m of a listed building which is on the opposite side of Brackenhill Road. The site is within SFRA Flood Zone 1, meaning a lower flood risk. The site and the hamlet of East Lound as a whole are within the Isle of Axholme Area of Special Historic Landscape Interest.

### **Planning history**

Planning permission was granted in 2017 (PA/2017/697) for a single-storey stable block and associated manège to the rear of the existing dwelling.

### **Proposal**

This proposal seeks to incorporate the barns, which are currently used for storage and garaging, into habitable space as part of the dwelling. The existing footprint of the dwelling and barns will be retained. A number of ground level changes in fenestration are proposed to the rear and side elevations of the buildings. The most significant of these are a large two-storey window on the east-facing elevation of the western part of the barns, and a first-floor gable end balcony on the north-facing elevation of the same section of the barns.

### **The main issues to consider in the determination of this application are:**

- **the principle of development;**
- **visual and heritage impact;**
- **residential amenity;**
- **environmental protection; and**
- **drainage.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and

guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The site is partly within the HELADPD defined settlement boundary of East Lound, with the buildings and the proposed works all within, and the rear garden to the north outside of this. The proposed development is therefore considered to be within the settlement boundary and, being residential in nature, is acceptable in principle.

### **Visual and heritage impact**

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and visual amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area.

The above carries additional weight with the site being within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Whilst the site is within 30m of a listed building, this lies to the opposite side of the road and the proposed works would not affect the setting of that property.

The historic landscape of the Isle is a heritage asset of historic interest as defined in the NPPF, and is clearly identified as such in the local plan (Landscape and Conservation section), as well as on the relevant area inset and proposals maps. The paddock to the rear of the buildings is well screened by mature trees and hedgerow and it is not considered that the proposed contemporary design elements of the development would adversely affect the setting of the ancient open strip field landscape. The footprint of the buildings would not be extended or encroach into the open countryside to the rear.

The minor works and the sections of glazing proposed, including the gable end balcony, would provide contemporary elements into traditional rural barns. The traditional farmhouse itself would be unaffected, however, and from the road the appearance of the site would not be significantly altered. The sections of glazing and other works to the barns would introduce a modern element to the appearance of the site but would not dominate or be incongruous with the overall rural character of the site or the street scene. Red brick would be used to new sections on the elevations, matching the existing buildings. The gable balcony would be set into the gable end and would not project beyond it, thus respecting the existing form of the barn to the rear, albeit largely out of public view. To ensure that the proposed materials are appropriate for this sensitive area, the Conservation Officer has requested conditions requiring the submission of details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, for consideration before installation. The submitted plans indicate that any facing brickwork would match the existing, and no replacement area of roof is proposed. The conditioning of the windows on the barn building is not considered necessary for the overall acceptability of the proposal, given the contemporary elements of design to the rear. The suggested removal of permitted development rights to prevent further encroachment into the landscape to the rear is not considered reasonable as the proposal itself does not expand the footprint of the building into this landscape.

Overall, the proposals would be acceptable in terms of their visual impact in that no adverse effects would result on the character or appearance of the site, the street scene, the nearby listed building or the historic landscape.

### **Residential amenity**

Policy DS1(iii) 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. Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. In respect of amenity it states that planning applications for residential extensions will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The footprint of the buildings and the height of the two-storey elements of the barns would not be altered and it is not considered that any overshadowing or overbearing impact would result from the development.

Concerns have been raised in the objections regarding loss of privacy and the impact of construction noise and ongoing noise associated with the residential use of the barns.

Orchard House is the adjacent dwelling to the east. None of the new windows, including the two-storey glazed section, would directly face this property within 28 metres. There are no neighbouring dwellings to the north directly faced by the proposed balcony. Barnside lies to the west and in close proximity to the barns to the west of the application site (within 1 metre). Two small west-facing windows are proposed in existing openings at first floor level serving a bedroom and the balcony. Whilst it would not directly face any corresponding neighbouring window, the northern window serving the balcony shall be conditioned to be obscure glazed and non-opening to avoid any perceived overlooking resulting from the proposed use. The windows in question are secondary, with the primary outlook from the bedroom being from a glazed balustrade facing east and primary outlook from the balcony being to the north.

The balcony to the rear would be set into the gable, with views to the north, but no direct views to the east or west. There would be no direct overlooking into the dwelling to the west (Barnside) from the main opening. The balcony would have views into part of the rear garden of the neighbour to the west. It is not considered, however, that this would exceed typical views from the first-floor rear windows of a property into the garden of an adjacent property. Primary outlook would be to the north over the open countryside to the rear.

In relation to noise and construction disturbance, construction noise is typical of all development and any other issues relating to land ownership or scaffolding positioning are not material planning matters. Ongoing noise associated with the residential use of the outbuildings is considered unlikely to exceed that from use as stores and garages, noting that the buildings are currently adjoined to the dwelling. Insulation etc. is a building control matter.

Overall, there would be no unacceptable impacts on the amenity of neighbouring dwellings which would not be typical for a residential street such as the one in question. Overlooking and/or noise and disturbance would not be so severe as to warrant refusal as outlined above.

## **Environmental protection and drainage**

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's Environmental Protection team has been consulted on the application and recommends a full contamination survey be provided prior to the commencement of development. They have not raised concerns in relation to noise pollution. It is considered that, as the footprint of the buildings will be maintained and the application is for conversion only, requiring a full contamination survey is unreasonable. Nevertheless, a monitoring condition will be added to ensure that any unexpected contamination found during development is appropriately mitigated.

The comments from the LLFA Drainage team are also noted. However, as stated above, the proposal does not seek an extension to the footprint of the buildings or any notable increase in volume. It is not therefore considered that the drainage arrangements on the site would require increased capacity.

## **Other matters**

Concerns have been raised over a lack of detail on the plans. The submitted plans are to scale and show sufficient information for an accurate and informed assessment of the proposal.

The parish council objection raises a number of issues, such as insulation, that are building control matters. It also notes that a second kitchen is proposed and raises concern over the potential separation of the converted barns to a secondary dwelling. Any subdivision of the dwelling or use as tourist accommodation would require additional permissions.

## **Conclusion**

In summary, the proposed conversion of the outbuildings and incorporation into the habitable space associated with Bracken Court is acceptable in principle, with the buildings being within the settlement boundary. No unacceptable impacts on the appearance of the site or wider area, residential amenity, or environmental concerns have been identified which would warrant a refusal of this application. The application is therefore recommended for approval.

## **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:

00023\_PM\_001 Rev A - Location Plan and Site Plan  
00023\_PM\_005 Rev A - Proposed Elevations  
00023\_PM\_004 - Proposed Floor Plans.

**Reason**

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

3.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

4.

The west elevation first-floor window serving the proposed balcony as shown on the submitted plans and elevations shall be obscure glazed and non-opening, and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

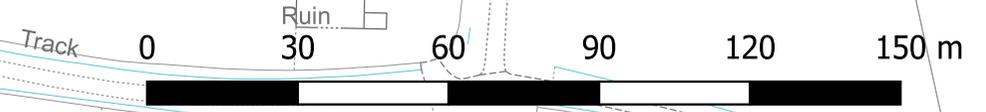
**Reason**

To avoid any actual or perceived overlooking to the west resulting in a loss of residential amenity, in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

**Informative**

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.

 Development Boundary



# East Lound

**North  
Lincolnshire  
Council**



