

SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/20/0385		
<b>Application Type</b>	Full Planning Permission		
<b>Proposal</b>	Change of use of land and existing building from agricultural to create an Autism support centre, providing respite short stay, physio therapy and day support		
<b>Location</b>	Land North of A52, between Butterwick and Benington		
<b>Applicant</b>	Mr Codling		
<b>Agent</b>	Mrs Angela Keen, AKM Architecture		
<b>Received Date:</b>	08-Oct-2020	<b>Consultation Expiry Date:</b>	09-Dec-2020
<b>Valid Date:</b>	17-Nov-2020	<b>Statutory Expiry Date:</b>	12-Jan-2021
<b>Date of Site Visit:</b>	18-Nov-2020	<b>Extension of Time Date:</b>	
<b>Objections received?</b>	No		
<b>5 day notification record:</b>	Not applicable		
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	GRANT Full Planning Permission		
<b>Report by:</b>	Grant Fixter		
<b>Date:</b>	23/12/2020		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is situated between Butterwick and Benington and as per the South East Lincolnshire Local Plan is deemed to be within the countryside. Access is achieved via an agricultural access/ track off the existing A52 lay-by.

The site comprises an area of hardstanding/ gravel with a two storey metal clad barn, with two timber framed barns to the rear. There is an Internal Drainage Board maintained watercourse on the south western boundary of the site and to which byelaws and the Land Drainage Act applies. In terms of surroundings, there are paddocks and sporadic residential development to the south west and west, with the general character of the area heavily agricultural.

### DETAILS OF PROPOSAL:

This proposal seeks full planning permission for the change of use of land and the existing main building from agricultural to create an Autism support centre which will provide respite short stay, physiotherapy and day support. It is also proposed the applicant occupies the two bedroom accommodation within the northern extension to provide 24 hour onsite assistance and security.



The majority of the barn will be retained and utilised, with part to be demolished and rebuilt with additional head height to be in accordance with measures set out in the Flood Risk Assessment. The existing timber framed barns attached to the main barn will be demolished and replaced with a two storey building of a similar footprint.

From attending site and an initial review of the submission pack, the boundary treatments were of concern to the officer. The site is very open and excessive fencing would have detracted from the area. It was, therefore, raised with the agent that a way to combat this would be to still have appropriate fencing for security reasons, but inside a row of mature planting so appropriate landscaping would be achieved. A revised plan was submitted with an indicative planting scheme.

Full details of the proposal are shown on the following plans:

- 001-01A – Location Plan;
- 001-03B – Proposed Site Plan;
- 001-05B – Proposed Ground Floor Plans;
- 001-06B – Proposed First Floor Plans;
- 001-07A – Proposed Elevations;
- 001-08 – Proposed Sections.

#### **RELEVANT HISTORY:**

There is no relevant planning history.

#### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

##### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 30: Pollution;
- Policy 31: Climate Change and Renewable and Low Carbon Energy;
- Policy 32: Community, Health and Well-being
- Policy 36: Vehicle and Cycle Parking.

#### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

##### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;

- Section 8: Promoting healthy and safe communities
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

## **CONSULTATION RESPONSES:**

### **Witham Fourth Internal Drainage Board**

Do not object to the application and made the following comments:

- Board maintained watercourse on the south western boundary of the site and to which byelaws and the Land Drainage Act applies;
- Unrestricted access needs to be maintained post development and cannot be any narrower than at present;
- Southerly extension narrows the gap and this needs to be discussed with the Board before any development commences;
- Boards consent is required for discharge of surface and treated water and should there be any changes to disposal arrangements stated in this application then the Board need to be contacted.

### **Benington Parish Council**

Have no objections.

### **Butterwick Parish Council**

Did not respond.

### **Anglian Water**

Have no comments.

### **Environmental Health**

Have no objections and made the following comments:

- Design and Access Statement contradicts Air Quality Assessment, as it says there will be an air source heat pump and an EV charging point;
- No detail on this history of the use of the site;
- In light of the sensitive use proposed, conditions should be attached requiring a phased contaminated land assessment.

### **Lincolnshire County Council**

Do not object and made the following comments:

- Not in sustainable location as it is only accessible by motor vehicle;
- Users of facility likely to be travelling in from some distance, so makes sense to be off a readily accessible road;

- Reduced speed limit of 50mph and good visibility in both directions;
- Access to an adjacent lay-by which makes it safer to use;
- Would not generate high numbers of vehicle movements;
- Would be no severe impact on the highway network.

### Environment Agency

Do not object and commented with a condition request for the development to be carried out in accordance with the FRA and outlined mitigation measures. It is also advised a Flood Warning and Evacuation Plan is produced.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

There were 15 third party representations received as part of this application, one in the form of positive comments and 14 who support the application. All those who support the application primarily do so for the same reasons, so rather than outlining each response, a collective summary of the comments and support are set out below:

- Bring the site into a positive use and benefit the area;
- Benefit those with autism and their parents;
- Lack of these facilities nationwide;
- Offering a fantastic support centre and if such a facility was available in the past, they would have used it for their family member who had Autism;
- Children will greatly benefit from a dedicated centre with people who have the expertise and experience;
- Give respite to those families who have to deal with the daily stresses posed by Autism;
- Very excited for this application;
- Currently run an Autism friendly community group and this facility would be of great support;
- Building looks stunning;
- Admirable idea and should be an advantage to the area;
- Well overdue for this area;
- Vast improvement compared to what is currently there and would only have positive impacts;
- Care and attention in the design of the building and landscaping;
- Make families feel less alone and frustrated;
- Bring more jobs/ work into the area;
- Easy access just off the main road;
- Desperately needed in this part of East Lincolnshire;
- Extra relief and support;
- Natural scenery and a committed owner.

Not submitted through the consultation process, there are four letters of support within the Design and Access Statement. These are from the MP for South Holland and the Deepings, MP for Boston and Skegness, Gosberton House Academy and Happy Wednesdays.

As there were no objections received, it is not necessary for Ward members to be consulted through this Council's delegated powers procedure.

## **EVALUATION:**

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on amenity;
- Flood risk;
- Highway safety and parking.

### **Principle of development**

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

Applications in the countryside (outside of settlement boundaries) will be approved provided it is necessary to its location and/ or can be demonstrated that it meets sustainable development needs of the area.

SELLP Policy 32 seeks that developments contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being. Whenever new provision is made, appropriate mechanisms must be put in place to ensure its satisfactory maintenance and management. The development of new community facilities will be supported, provided that they are located so as to be:

1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities.

The proposal is for the change of use of land and existing building from agricultural to create an Autism support centre, with the SELLP classing the site to be within the countryside. Any such proposal, therefore, needs to demonstrate it is necessary to this location and it meets the sustainable development needs of the area.

Firstly, the proposal makes use of a large existing agricultural barn which will primarily be retained and utilised. Albeit this is not the most important factor in determining the principle of development, it makes a minor argument for its case compared to an application on undeveloped land in the countryside.

Section 3 of the Design and Access Statement submitted with the application outlines the existing support and dedicated facilities in Lincolnshire, in addition to the closest facilities outside of Lincolnshire. Whilst there are support groups locally, they have no set facility and often have to rent/ hire rooms for support sessions, in turn, this can hamper the Autistic children as they work and cope better within a familiar environment. In terms of dedicated facilities, the closest is the Thomas Centre in Louth, some 42 miles away. Another centre is located in Cambridge, which is even more impractical to satisfy the local need.

Local schools dedicated to Autism are also listed, however, these do not provide out of hours service, with one of the schools supporting this application.

There is a great amount of local support from members of the public, MPs, schools and other Autism support groups. Due to the distance of the closest dedicated facilities and the other information outlined in this submission, the need for this development has clearly been demonstrated.

The development has therefore demonstrated there would community benefits for the proposed development and therefore is acceptable in principle which would address the provisions of SELLP Policy 1 and SELLP 32.

#### Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

There is a large two storey agricultural barn on site, with two smaller timber clad barns to the north. This proposal would see the main agricultural barn retained, renovated and utilised, with the two smaller timber clad barns to be demolished and a two storey development of a similar footprint replacing them. There will also be a two storey southerly extension to the main agricultural building.

Due to the extent of existing development on site and how much will be retained and reused, it is deemed the scale of the works are appropriate and will not detract from the character of the area.

The materials at present comprise those typically associated with an agricultural building, with metal sheet roofing and metal/ timber cladding. The proposal will see a change in materials, which will comprise hardwood timber cladding to the existing barn to be retained, then buff brick to the ground floor and hardwood timber cladding to the first floor of the proposed extensions. The proposed fenestration provides openings of various sizes which help break up the elevations and ensure appropriate light and ventilation would be achieved.

Whilst this proposal is larger in scale, the closest development to the site are residential dwellings to the west and south west. The proposed materials, therefore, will look more in keeping than the existing green metal cladding, in addition to removing 2 deteriorating timber clad barns. This proposal, therefore, will enhance the appearance of the area when compared to the current design.

In respect of landscaping, this was one of the officer's main concerns as the site is very open and in the countryside. The Design and Access Statement originally stated fencing was proposed to the boundaries. The extent of fencing, however, was not made clear and this concern was raised with the agent. The officer stated they needed to know the extent of the fencing and that any

planting should be screened by planting to ensure the boundary treatments do not detract from the open character of the area.

A revised plan was submitted which showed the extent of the fencing, in addition to an indicative planting scheme. The officer deemed these changes appropriate and that full landscaping details can be secured for later approval by virtue of a planning condition.

The proposal is of an appropriate scale and appearance, with appropriate boundary treatments to be secured through a planning condition. The main existing barn will be utilised and a Structural Survey submitted with the application demonstrates that it is suitable for conversion.

It is therefore considered the proposal complies with policies 2 and 3 of the SELLP in respect of impact on the character of the area.

#### Impact on amenity

SELLP Policy 2 and 3 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

In terms of impact upon neighbouring amenity, the proposal involves the extension of an agricultural barn that is within the confinement of the existing agricultural site. It is of an appropriate size and scale and there are no dwellings immediately adjacent to the proposal, meaning there will be no overbearing or overshadowing.

Surrounding users will not be negatively impacted by the increased vehicular movements to the site, especially as there is no immediate surrounding development in addition to access being from a separate lay-by off the A52 which is already a busy main road.

The proposed extension therefore satisfies SELLP Policy 2 and 3 in respect of the effect on residential amenity.

#### Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

The site lies in an area at risk of tidal risk from a breach and overtopping of the defences with maximum modelled depths of 1.3m at the 0.5% 1:200 year plus climate change tidal breach scenario.

It has been demonstrated that the proposed use is appropriate to the location and would bring associated community benefits.

The application site is located within Flood Zone 3, however, taking into account the proposed use and submitted FRA it is considered the works would not increase the flood risk in the area or have an adverse effect on surface water. Furthermore, appropriate flood mitigation measures can be secured by planning condition to ensure the safety of future users.

### Highway safety and parking

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

Policy 36: Appendix 6 of the SELLP relates to parking standards setting out a requirement for new dwellings, sheltered housing and residential care homes amongst other comments uses. All other residential accommodation will be assessed on a site by site basis.

It is proposed access will utilise the existing means from the lay-by off the A52. From the submitted plans, it is clear that there is appropriate parking provision and that vehicles can enter and leave the site in a forward gear which is of significant importance when considering highway safety. Furthermore, by virtue of being accessed off a lay-by rather than directly off the A52, there is safe space for vehicles to wait to access the site should a vehicle be leaving.

The Local Highway Authority do not object to the scheme, appropriate parking provision can be provided and vehicles can enter and leave the site in a forward gear. It is not considered the traffic that may be generated from one dwelling will harm highway safety.

The proposal is, therefore, acceptable and highway safety and parking grounds.

### **CONCLUSION:**

The site is within the countryside, therefore, for the principle of development to be acceptable, the application is required to demonstrate there is a need for this proposal in the area. The level of information provided with the submission, in addition to the section in the Design and Access Statement clearly shows there is a local need for this type of development.

There were no objections from Consultees and the proposal will not lead to unacceptable impacts on the character or amenity of the area, flood risk in the area or the highway network.

The proposal complies with both local and national policy and is, therefore, acceptable. The application is recommended accordingly.

### **RECOMMENDATION:**

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Yes      Agreed with applicant/agent - Date:
1	The development hereby permitted shall be begun before the expiration of four years from the date of this permission.  <b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.



2	<p>The development hereby permitted shall be carried out in strict accordance with the application received on 17/11/20 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> <li>• 001-01A – Location Plan;</li> <li>• 001-03B – Proposed Site Plan;</li> <li>• 001-05B – Proposed Ground Floor Plans;</li> <li>• 001-06B – Proposed First Floor Plans;</li> <li>• 001-07A – Proposed Elevations;</li> <li>• 001-08 – Proposed Sections.</li> </ul> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>
3	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Stuart Hemmings 2020-09-30, and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> <li>• New build finished floor levels to be set 1m above Ground Level;</li> <li>• Minimum two-storey with all sleeping accommodation set at first floor level;</li> <li>• Flood resilience and resistance measures to be incorporated into the proposed development as stated;</li> <li>• 600mm demountable defences.</li> </ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p><b>Reason:</b> To reduce the risk of flooding to the proposed development and future occupants, in addition to providing the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan 2011-2036.</p>
4	<p>No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the duly approved details before the building is first brought into use and shall be maintained and managed as such thereafter.</p> <p><b>Reason:</b> To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policies 2 and 4 of the South East Lincolnshire Local Plan (2011- 2036).</p>
5	<p>No development shall take place above ground level until a Flood Warning and Evacuation Plan will be submitted to and approved in writing by the Local Planning Authority.</p> <p>The plan shall be implemented prior to the occupation of the first dwelling and followed as approved thereafter.</p>

	<p><b>Reason:</b> To provide the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan 2011-2036.</p>
6	<p>No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>a) boundary treatments;</li> <li>b) hard surface materials;</li> <li>c) minor structures;</li> <li>d) planting schedules (species, sizes densities);</li> <li>e) existing trees to be retained/removed;</li> <li>f) location of any refuse collection areas as the proposal is located off the adoptable highway;</li> <li>g) timetable for implementation and completion of all hard and soft landscaping.</li> </ul> <p>The approved works shall be carried out in accordance with the approved details. Any trees, plants, grassed areas, which within a period of 5 (five) years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.</p> <p><b>Reason:</b> In the interests of visual amenity and in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>
7	<p>No development shall take place above ground level until a landscape management plan including management responsibilities and maintenance schedules for any public or communal areas within the development (excluding private gardens) and to include private driveways, parking courts and areas of non-adopted highway shall be submitted to and approved by the Local Planning Authority.</p> <p>The landscape management plan shall be implemented prior to the occupation of the first dwelling and followed as approved thereafter.</p> <p><b>Reason:</b> In the interests of visual amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.</p>
8	<p>No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• The number of charging points;</li> <li>• Location of charging points;</li> <li>• Specification of charging points;</li> <li>• Timetable for the implementation of the above measures.</li> </ul> <p>The development shall then be carried out in strict accordance with the approved details.</p>

	<p><b>Reason:</b> In the interests of promoting sustainable transport in accordance with Section 9 of the National Planning Policy Framework 2019 and Policy 31 of the South East Lincolnshire Local Plan 2011-2036.</p>
9	<p>The occupation of the northern extension which comprises a two bedroom dwelling as shown on the submitted plans shall be limited to a person who owns or is solely, mainly, or last employed in the business which occupies the land identified on the submitted plans, or a widow or widower of such a person or any such dependents.</p> <p><b>Reason:</b> The business is expected to create a level of disturbance beyond that which could be considered reasonable by an occupant of the dwelling if not associated with it in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.</p>
10	<p>The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved in writing by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:</p> <ul style="list-style-type: none"> <li>a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A full desk top study and a non-technical summary shall be submitted in writing to the Local Planning Authority.</li> <li>b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and take into account the site's existing status and proposed new use. A copy of the site investigation and findings shall be submitted in writing to the Local Planning Authority.</li> </ul> <p><b>Reason:</b> To ensure potential risks arising from previous site uses have been fully assessed and in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.</p>
11	<p>Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.</p> <p><b>Reason:</b> To ensure the proposed remediation plan is appropriate and in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.</p>
12	<p>Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme.</p>

	<b>Reason:</b> To ensure site remediation is carried out to the agreed protocol in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.
13	<p>On completion of remediation, a copy of a closure report shall be submitted to the Local Planning Authority for approval in writing. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.</p> <p><b>Reason:</b> To provide verification that the required remediation has been carried out to the required standards in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	