

Development Management Delegated Decision Report

B/21/0356



SUMMARY OF APPLICATION

| SUMMARY OF APPLICATION | | | |
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| Application Reference | B/21/0356 | | |
| Application Type | Full Planning Permission | | |
| Proposal | Application for variation of Conditions 2 (Approved Drawings-Relating to Plot 1), 3 (Flood Risk Assessment) and 13 (Painted Timber Features) of planning permission B/20/0230 | | |
| Location | Bambers Farm, Main Road, Brothertoft, Boston PE20 3SW | | |
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| Applicant | Marriott, C/O Origin Design Studio | | |
| Agent | Mr Daniel Thompson, Origin Design Studio Ltd. | | |
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| Received Date: | 23-Jul-2021 | Consultation Expiry Date: | 01-Sep-2021 |
| Valid Date: | 23-Jul-2021 | Statutory Expiry Date: | 17-Sep-2021 |
| Date of Site Visit: | 10-Aug-2021 | Extension of Time Date: | ---- |
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| Objections received? | None | | |
| 5 day notification record: N/A | | | |
| Councillors notified | Date | Response received – date | Ok to continue |
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| Recommendation | GRANT Planning Permission | | |
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| Report by: | Emma Dennis | | |
| Date: | 04/02/2022 | | |
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OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of a variety of disused farm buildings surrounded by agricultural land and bounded by a mix of field edges and dry ditches.

The site is located on the eastern side of Langrick Road (B1192), located outside of the settlement boundary, with the wider character of the area being agricultural in nature and as per the South East Lincolnshire Local Plan, the site is within the countryside.

DETAILS OF PROPOSAL:

Full planning permission was granted in November 2020 (B/20/0230) for the conversion of existing agricultural buildings to form 2 dwellings.

This application seeks permission to vary Conditions 2 (approved plans), 3 (flood risk assessment) and 13 (painted timber features) of planning approval B/20/0230.

The proposed changes are considered minor in nature and are as follows:



Condition 2: The proposal seeks to vary the approved plans ref J1707-PL-50 PO1 Plot 1 (barn 2 & 3), J1707-PL-51 PO1 Plot 1 (Barn 2 & 3), J1707-PL-52 PO2 Plot 1 (Barn 2 & 3) and J1707-PL-53 PO2 Plot 1 (Barn 2 & 3).

These changes relate to the materials on the external elevations, additional rooflights in the roofspace, reducing the size of the central link building and to remove the entrance door on the south-western elevation.

These changes are shown on plans:

- J1767-BR-03 Proposed Roof Plan
- J1767-PL-100 Rev.P04 Proposed Ground Floor Plan
- J1767-PL-101 Rev.P04 Proposed Elevations

The variation of Condition 2 relates to plot 1 only.

Condition 3: This condition requested that the development be carried out in accordance with the approved flood risk assessment (dated March 2020v1). With the following mitigation measures details as follows:

- Plot 1 (Barns 2 & 3): finished floor level of habitable accommodation to be set no lower than 3.1m AOD with bedrooms set no lower than 3.4m AOD.
- Plot 2 (Barn 1): Finished floor levels to be set no lower than 3.1m above Ordnance Datum (AOD) with bedrooms at first floor level.
- Flood resilience and resistance measures to be incorporated into the proposed development as stated.

Following a further survey the levels across the site have been revised. The revised levels have been incorporated into the scheme which has resulted in an amendment to the finished floor levels for plot 1.

The variation of Condition 3 however relates to plots 1 and 2 as the further survey and revised levels relate to the whole site.

Condition 13: This condition requested that all new external doors, door frames and windows shall be in painted timber and retained in that form thereafter.

This proposal seeks to vary the type of material to be used for the whole of the development.

The variation of Condition 13 relates to plots 1 and 2.

RELEVANT HISTORY:

B/16/0356: Conversion of existing barns to form one dwelling with ancillary car port and office/games room with store.
Granted – 14/11/2016.

B/20/0230 Proposed conversion of existing agricultural buildings to form 2 dwellings.
Granted – 19/11/2020.

B/20/0230/CD1 Application to have details approved relating to Condition 5 (Hard & Soft Landscaping), C8 (Foul & Surface Water Disposal), C11 (External Materials), C15 (Barn

External Services Details) & C17 (Contaminated Land Assessment) of planning approval B/20/0230.

Details approved 02/02/2022.

APPLICATIONS UNDER S73 OF THE 1990 TOWN AND COUNTRY PLANNING ACT

The effect of a successful s.73a application, since ‘varying a condition’ is not development, is to create an entirely new permission and the existing ‘parent’ permission is unaffected. Potentially, a developer then has the choice of which consent to implement.

An application under s73 of the Act cannot be issued to vary the time limit for implementation means that this must be consistent with the original permission. Thus any permission granted needs to include relevant conditions attached to the previous approval to the ‘new’ permission.

Any conditions that have been ‘discharged’ do not have to be re-imposed again. LPAs should not however seek to revisit all matters, but should focus on the variations that are sought relative to those which have previously been imposed.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

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 10: Meeting Assessed Housing Requirements;
- Policy 11: Distribution of New Housing;
- Policy 17: Providing a Mix of Housing;
- Policy 23: The Reuse of Buildings in the Countryside for Residential Use;
- Policy 28: The Natural Environment;
- Policy 30: Pollution;
- Policy 31: Climate Change and Renewable and Low Carbon Energy;
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the National Planning Policy Framework (2021) is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 5: Delivering a sufficient supply of homes;
- Section 9: Promoting sustainable transport;
- 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;
- Section 15: Conserving and enhancing the natural environment.

National Planning Practice Guidance (PPG)

CONSULTATION RESPONSES:

Environment Agency have no objections to vary conditions 2, 3 and 13 as proposed, subject to a condition being attached to the permission.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

It is noted that this proposal relates to an existing consent for the conversion of existing agricultural buildings to form two dwellings. The principle of housing development on this site has already been established by the previous planning permission that was granted in 2020. This application seeks to amend conditions 2 (approved plans), 3 (flood risk assessment) and 13 (painted timber features).

The changes do not affect the application site area or a change in the description of the proposal. Therefore it is not necessary to re-assess the principle of the proposal, just to consider the changes to the approved scheme only.

As a result the key considerations in regard to the variation of the relevant condition to the effect on the character and appearance of the area, neighbours' amenity and flood risk have been considered under the relevant condition heading.

Condition 2: Design changes to the scheme

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Policies 2, 3 and 30 of the SELLP seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

The centre link section of the proposed dwelling will be slightly smaller in size and the front entrance door is to be removed. However, due to the orientation of the dwelling on the site and the set back from the public highway, it is considered that this amendment will not have a negative impact upon the character and appearance of the area.

Due to the minor change proposed in this application it is considered that the proposed amendments will not have a negative impact upon the future neighbours of the dwelling on plot 2. The next nearest property is about 130m from the application site and the amenity of the occupiers of this property will not be harmed by this development.

In respect of the design changes and impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3.

Condition 3 – Flood risk

This application seeks to amend condition 13 and an amended Flood Risk Assessment has been submitted. The revised flood risk assessment updates the levels on the site using the findings of the further survey and current EA data.

The site is contained wholly within a Flood Zone 3 and the FRA states the calculated flood level for the 1:200-year event including allowances for climate change is +0.5m-1.0m above the existing site ground level. The calculated flood level for the 1:1000-year event including allowances for climate change is +0.5m-1.0m above the existing site ground level.

The submitted FRA still maintains the ground floor is set at +1.0m above the existing ground level which would accord with EA standing advice. Flood resilient construction will be at a height of 300mm above the predicted flood depth shall be installed.

The Environment Agency has considered the revised FRA and have raised no objection.

Given the revised FRA would still accord with the Environment Agency standing advice providing satisfactory mitigation against flood risk, it is considered the variation to condition is acceptable. It is considered expedient to re-impose a planning condition to reflect the revised FRA and ensure the development remains safe from flood risk and accord with SELLP 2 and 4.

An informative will be attached to advise that future occupants sign up to the Environment Agency's Flood Warning Service.

Condition 13 – Painted timber features

This proposal seeks to amend the type of material used in the door from timber to uPVC and Aluminium. This is proposed due to some of the large glazed openings which will be difficult to create in timber.

Part 4 of Policy 23 of the SELLP: the re-use of buildings in the countryside for residential use seeks, amongst other things, to ensure that the '*design is sympathetic to the appearance of the building in terms of architectural detailing and materials of construction*'. Thus, under normal circumstances the use of UPVC doors as part of the conversion of a rural barn to residential would normally be resisted. However, although this site remains within the countryside in terms of the Local Plan, the application site is not completely isolated with dwellings located to the north-west and south east. Due to the orientation of the plot, the majority of the windows and doors will not be clearly seen from public vantage points. However, it is still considered necessary for a condition to be attached requiring details of the proposed doors to be submitted for formal approval.

It is considered that Condition 13 can be varied to allow a design and details of an alternative form of doors to be submitted for approval. This will ensure that the resultant scheme will not harm the character or appearance of the building or the visual amenity of the surrounding area.

CONCLUSION:

When compared to the existing approval, the proposed changes are minimal and will be of no greater detriment. No objections have been received from consultees or as a result of the necessary publicity carried out. Details of the external materials are still required to be

discharged before the works go above ground level to ensure the proposal retains the character of the barns and of the area.

Subject to conditions, this proposal complies with local and national policy and is deemed acceptable.

Conditions attached to the permission B/20/0230 which have been discharged, have not been re-imposed. Conditions which are 'ongoing' and regulatory are recommended to be imposed again as detailed below. The 'triggers' relating to the discharged conditions do not need to be re-imposed again.

RECOMMENDATION:

Approve, subject to the following conditions and reasons

| Conditions and reasons | |
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| Pre-commencement conditions | |
| Agreed with applicant/agent - Date: | |
| 1 | <p>The development hereby permitted shall not be carried out except in complete accordance with the following details shown on the submitted plans and documents:</p> <ul style="list-style-type: none"> ▪ J1707 - PL-01 Rev P01 Existing site location and block plan ▪ J1767 - PL-100 Rev P04 Proposed Ground Floor Plan ▪ J1767 - BR-03 Rev A01 Proposed Roof Plan ▪ J1767 - PL-101 Rev P04 Proposed Elevations ▪ J1707 – PL-60 rev P02 Proposed ground floor plan – plot 2 (barn 1) ▪ J1707 – PL-61 rev P02 Proposed first floor plan – plot 2 (barn 1) ▪ J1707 - PL-62 rev P02 Proposed roof plan – plot 2 (barn 1) ▪ J1707 - PL-63 rev P02 Proposed elevations – plot 2 (barn 1) ▪ J1707 - PL-70 Proposed site plan ▪ J1767 - Rev A02 Materials schedule dated 11/08/2021 ▪ Sandtoft Neo Pantile -Technical information Sheet ▪ J1767 – Rev A01 Services detail report dated 23/07/2021 ▪ Landscaping plan – received 23/07/2021 <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 2 | <p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Author: Origin Design Studios Ref: J1767 – Bambers Yard), and the following mitigation measures detailed within the Flood Risk Assessment:</p> <ul style="list-style-type: none"> ▪ Finished floor levels to be set no lower than 3.05m above Ordnance Datum (AOD) ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and</p> |

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| | <p>subsequently remain in place.</p> <p>Reason To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Policy 4 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 3 | <p>The development hereby approved shall be carried out in accordance with the recommendations contained within the updated Ecological and Protected Species Survey dated 16th March 2020 prepared by IEL Inspired Ecology Limited including the provision of bat roost boxes/ bat boxes, nest boxes and owl boxes /owl tower. Such provisions shall be carried out prior to occupation.</p> <p>Reason: In the interests of realising a biodiversity enhancement of the site in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036) and the NPPF 2021.</p> |
| 4 | <p>All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 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>Reason: In the interests of visual amenity and to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 5 | <p>The water consumption of both dwellings hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2011-2036).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p> <p>A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.</p> <p>Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 6 | <p>The development hereby permitted shall be carried out in accordance with the provisions of the Drainage Statement ref: J1767 – Rev A01, dated 23/07/2021.</p> <p>The duly approved scheme shall be implemented before any of the dwellings are first occupied and shall be maintained/managed as such thereafter.</p> <p>Reason: To ensure that the development is not at risk of flooding and does not</p> |

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| | increase flood risk elsewhere and that adequate measures are put in place for the disposal of foul and surface water (including an appropriate allowance for climate change) in accordance with the requirements of Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036). |
| 7 | <p>An electric vehicle recharging point shall be installed within each dwelling hereby approved before its occupation and shall be retained thereafter.</p> <p>Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3 , 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework 2021.</p> |
| 8 | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification)</p> <ul style="list-style-type: none"> ▪ No external alterations or extensions shall be carried out to the dwellings ▪ No additional garages or outbuildings shall be erected within the curtilage of the dwellings ▪ No gates, walls, fence or other structures (other than those hereby approved) shall be erected. ▪ No new windows or dormer windows shall be added to the dwellings ▪ No painting or rendering of external walls shall be carried out ▪ without the express permission of the Local Planning Authority <p>Reason: In order to protect the character of these traditional rural buildings in accordance with the objectives of Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 9 | <p>All new bonding, mortar and pointing of the brickwork shall match existing.</p> <p>Reason: In order to retain the character of the barns, in the interests of visual amenity and to accord with the objectives of Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 10 | <p>Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development involving the installation or replacement of any doors shall take place until details of the doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the design, materials, finishes, colour treatment, reveals and opening profile. The door shall be installed in accordance with the duly approved details before the occupation of the dwellings.</p> <p>Reason: In order to retain the character of the barns, in the interests of the visual amenity and to accord with the objectives of Policies 2, 3 and 23 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 11 | <p>Site clearance operations that involve the destruction or removal of buildings (or part of a building) shall not be undertaken during the month of March to August inclusive, except when approved in writing by the Local Planning Authority, once it is satisfied</p> |

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| | <p>that breeding birds will not be adversely affected.</p> <p>Reason: In the interests of nesting and breeding birds and to accord with the objectives of Policy 28 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework 2021.</p> |
| 12 | <p>Other than the details submitted as part of this application, no other demolition of any external walls or rebuilding of existing external walls or roofs shall be carried out.</p> <p>Reason: In order to retain the character and appearance of the barns, and to accord with the objectives of Policy 23 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework 2021.</p> |
| 13 | <p>The development shall be carried out in strict accordance with the Remediation Strategy set out in the Phase I Ground Contamination Investigation and Assessment (Author: Langdale-Smith and Co Limited, Project No. 67 016) dated 20th May 2021.</p> <p>Reason: To ensure the proposed remediation plan is appropriate and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 14 | <p>The development hereby permitted shall be carried out in accordance with the provisions of the Services Statement – J1767 Rev A01 dated – 23rd July 2021.</p> <p>Reason: To secure neighbours' amenity and to comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 15 | <p>On completion of remediation, two copies of a closure report shall be submitted to the LPA. 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>Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).</p> |
| 16 | <p>The development hereby permitted shall be carried out in accordance with the provisions of the Phase 1 Desk Study – dated 20th May 2021.</p> <p>Reason: To secure neighbours' amenity and to comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p> |

| INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE | |
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| <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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the</p> | |

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| Borough. |
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