

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0156-19 **Applicant:** Mr D Brennan

Proposal: Erect a shed and fence with garden gate, develop front area to allow for parking

Location: Chapel Las Nomad Main Road Deeping St Nicholas

Terminal Date: 12th May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

This is a householder planning application for erection of a shed and fence with garden gate and car parking to the front of Chapel Las Nomad, Main Road, Hop Pole, Spalding.

The site is part of a cluster of properties which forms a semi-sprawled built-up area of Hop Pole

within open countryside and fronting on to A16 between Spalding and Stamford. The buildings nearby are dwellings of a wide range of designs, appearances and ages.

The main property of the site was an old Methodist Chapel with school facilities dated 1867 and re-erected in 1922. A modern discreet extension protrudes from the rear wall of the building. Permission has been recently granted to change of use of chapel to residential under planning application ref. H03-0805-18.

The building is "typical of chapel buildings of its period and a comparatively rare example of relatively unchanged non-conformist ecclesiastical architecture" (Appeal Decision dated 17 November 2018 of Appeal Ref: APP/A2525/A/08/2079912). Moreover, its design and appearance make a positive impact on the street scene. For the reasons, the building must be considered as a non-designated heritage asset.

Para 197 of the National Planning Policy Framework states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application" and "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". It has to be demonstrated throughout the application process that "all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset" in accordance with Policy 29, Section F.4 of South East Lincolnshire Local Plan, 2019.

The nearest urban settlement is Deeping St. Nicholas to north-east although the site is out of the settlement boundaries of this village as set out in the Inset Map 14 of South East Lincolnshire Local Plan, 2019. Policy 1 of the South East Lincolnshire Local Plan states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Given the ancillary use of the development, the proposed outbuilding can be located by no means elsewhere within the defined settlement limits of urban settlements. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise according to section 70(2) of the Town and Country Planning Act 1990.

The intended shed would measure nearly 2.50 metres in width, 5 metres in depth and 2.50 metres in maximum apex height. The eaves would be 2 metre high. Having regard to the dimensions of the former chapel, the shed would be therefore subservient to the main property in terms of scale, massing and bulking.

The former proposal indicated that the shed would be almost aligned with the front elevation of the old Methodist chapel and next to its western side elevation. In view of the concerns from the County Historic Environment Officer, it was required to amend the proposal to avoid any visual obstruction to the building given its architectural and historic merit. The final proposal still shows the outbuilding by the side of the western elevation but nearly the entire massing beyond the original rear wall of the building. In doing so, no visual intrusion would be caused on to the wider street scene and to the amenity of the old Methodist Chapel. Therefore, the proposed shed would not harm the historical and architectural significance of the asset.

The walls and door of the shed would have a shiplap wood stain finish. Felt roof would be applied on top of a trussed roof. The proposal also includes a farm gate between the front elevation and western site boundary and car parking to the front of the building. Identical material would be proposed for the gate as the shed walls and door. Golden Spar gravel would be across the car park floor. The material schedule would deliver an appearance which would relate well with the former chapel and buildings nearby.

As mentioned, the County Historic Environment Officer had made a negative review but the objection has been withdrawn after assessing the amended plans. No other representation has been made.

In light of considerations above, the proposed development is in accordance with Policy 1, 2, 3 and 29 of South East Lincolnshire Local Plan, 2019 and Section 12 and 16 of National Planning Policy Framework, 2019.

It is accordingly recommended to approve this application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.