

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0526-22 **Applicant:** Mr W Ravell

Proposal: Demolition of agricultural building and erection of detached dwelling - approved under H13-1269-21. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Eaugate Road Moulton Chapel Spalding

Terminal Date: 15th July 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
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.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for the demolition of an existing agricultural building and erection of a new two and a half storey 4 bed detached house (ref. H13-1269-21). This application is to revise the design (see information from applicant).

Site Description

The site is located on the western side of Eaugate Road and is currently occupied by an agricultural building. A drain runs along the frontage and trees are situated along the northern boundary. A dwelling (Rose Cottage) is situated opposite.

Recent History

H13-0446-15 - Change of use of agricultural building into dwelling - Refused 19 June 2015.

H13-1094-19 - PAA - Change of use of agricultural building into dwelling - Approved 6 January 2020.

H13-1269-21 - Full - Demolition of existing agricultural building and erection of dwelling -

Consultation Responses

Moulton Parish Council

No response.

Public

No comments received.

Information from Applicant's Agent

The client has decided that they would prefer a more traditional design throughout and thus the design of the dwelling has been amended to make the side and rear elevations in keeping with the traditional appearance of the principal elevation previously approved. This includes fenestration changes, the removal of all timber cladding etc.

Planning Considerations

The main issue in this case is whether the design alterations proposed are acceptable. Matters such as housing policy/principle, highway safety, flood risk and ecology have already been established.

Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The site currently has permission for a large detached house based upon the architectural concept of a Georgian farmhouse with more contemporary features at the sides and rear (ref. H13-1269-21). The applicant proposes a more traditional design throughout and the design has therefore been amended to make the side and rear elevations more in keeping with the traditional appearance of the principal elevation previously approved. This includes fenestration changes, the removal of all

timber cladding etc.

The proposed alterations are more in keeping with the architectural style of the property and are considered acceptable. They would not materially harm the character or appearance of the building or countryside.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Policies 2 and 3 of the SELLP also set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021).

The nearest dwelling to the site is Rose Cottage, which is situated opposite. No resident objections have been received. The house is set well back on the plot. It is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance.

The proposal therefore complies with Policies 2 and 3 on amenity grounds.

Planning Balance

The design of the property has been amended to make the side and rear elevations more in keeping with the traditional appearance of the principal elevation previously approved. This includes fenestration changes, the removal of all timber cladding etc. They are more in keeping with the architectural style of the property and are considered acceptable. They would not materially harm the character or appearance of the locality or amenity of nearby residents.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would be in accordance with the development plan when taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, it is therefore concluded that the application should be allowed, and permission be granted subject to conditions

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority 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. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority 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. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation 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 public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

That the application be approved under delegated powers.