DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0790-20**	**Applicant:**	**Mrs Goodwin**
Proposal:	Proposed Conservatory (part retrospective)		
Location:	Farm Studio Unique Cottage Fulney Lane South		
Terminal Date:	16th November 2020		

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
09	Promoting a Stronger Visitor Economy
29	The Historic Environment
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 8, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a conservatory to serve the existing cafÃ© at Unique Cottage Studios, which are an arts and crafts facility that offer a variety of workshops and classes. Work has commenced on site.

Description

The premises are located on the western side of Fulney Lane on the fringe of Spalding and are a range of converted farm buildings.

The nearest residential properties are Unique Cottage and The Bungalow some 120 metres to the south. The A16 is located some 150 metres to the west.

Policies/Constraints

Outside a defined settlement limit as defined in the South East Lincolnshire Local Plan, 2019.

Recent History

H16-0645-12 - Full - Demolition of outbuildings (former cottages) and erection of new studios, gallery and refreshment facility - Granted 25 October 2012.

H16-0317-15 - Full - Proposed single-storey side extension to existing art studio - Granted 3 June 2015

Consultation Responses

LCC Archaeology - No archaeological input.

Material Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely effect upon the amenity of neighbouring residents;
- Highway issues;
- Other material considerations such as flood risk.

Policy/principle

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 is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside 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.

Policies 32 is also of relevance. It indicates that development shall contribute towards improving the community's health and well being.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and also sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 92 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Addressing the above, the proposal has a functional link with the existing facility and is necessary in

this location. It would also improve existing leisure facilities within the district. No objections are therefore raised in principle.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated.

The proposed building would be attached to the cafÃ????© building which is of traditional construction. The conservatory would have a red brick plinth, green painted frames and a glass conservatory roof. It is considered that it would not materially harm the character or appearance of the existing buildings or rural locality.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

The site is in the countryside and the nearest residential properties are Unique Cottage and The Bungalow some 120 metres to the south. The busy A16 is located some 150 metres to the west. It is considered that the amenity of nearby residents would not be materially harmed in termed of lack of privacy, overlooking, noise and disturbance, etc.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Issues

Ample parking facilities are available within the complex. There are no significant highway safety issues in this case given the minor nature of the development

The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Other Matters

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for Most". However, the proposal is a minor development (ie, small non-residential extension). In accordance with advice within the paragraph 164 of the Framework, 2019, it should not therefore be subject to the sequential or exceptions tests.

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.

Conclusion

The proposal satisfactorily accords with the provisions of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.