DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0681-19**	**Applicant:**	**Mr P Coleman**
Proposal:	Construction of new swimming pool and vehicle storage building with multi use room over (retrospective)		
Location:	Church View 87 High Road Weston		
Terminal Date:	11th October 2019		

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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 8, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for construction of a new swimming pool and vehicle storage buildings in October 2018 (ref. H22-0811-18). Permission is now sought to modify the scheme, substituting the separate double and single garages with a triple garage block with "multi purpose room" within the roof space.

Work has commenced on the swimming pool which, as previously, would be used solely for a purpose incidental to the enjoyment of the dwelling, and not as an independent unit of living accommodation.

Site Description

The site is currently residential curtilage associated with Church View, which is a recently constructed dwelling of 19th Century style.

An existing house and associated outbuildings (The Elms) are located to the north-west and new development is currently under construction to the north-east. St Mary's Church (Grade I listed) is located to the west.

Site History

H22-0811-18 - Construction of new swimming pool and vehicle storage buildings - Granted 17 October 2018.

Representations

Weston Parish Council - No objections/comments.

Resident (summarised):
Concern is the use of the room over the garage space. Not sure of the facilities. Plan shows bedroom and sitting room. Possibly shown is en-suite bathroom and a kitchen? Surely this would class this building as a dwelling/flat/apartment? As such would the applicant need to re-assess their application?

Planning Considerations

The main issues in this case are:
- Character/appearance, including its effect upon the setting of nearby listed buildings;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway safety, flooding and drainage.

No objections are raised in principle to construction of a swimming pool and triple garage block with "multi purpose room" within the roof space. This is subject to the buildings being used solely for a purpose incidental to the enjoyment of the existing dwelling.

In terms of visual impact the swimming pool already has permission (ref. H22-0811-18) and is under construction. The triple garage would essentially replace the previously approved vehicle storage buildings. Both the swimming pool and garage block are to be constructed in a buff brick (Mirato Handmade) with a Spanish slate roof. Windows and doors would be painted timber. Both buildings would be set back behind an existing high frontage wall. It is considered that they would not materially harm the character/appearance of the locality and setting of nearby listed buildings to the west, including St Mary's Church.

The new swimming pool is located approximately 1.2m from the northern boundary. An existing 1.8 metre high fence runs along the northern and eastern boundaries. The neighbouring dwelling (The Elms) is located some distance from the northern boundary of the site. Rooflights associated with the swimming pool are high level. Steps associated with the proposed garage block are set back from the north western boundary and would be used infrequently. There would not be a direct view of The Elms from this vantage point due to the swimming pool. It is considered that the amenity of neighbouring residents (including future occupiers of bungalows recently permitted by virtue of planning permission ref. H22-0584-17) would not be materially harmed in terms of overlooking, lack of privacy and overshadowing. There is not considered to be sufficient reason to refuse the application on grounds of potential noise and disturbance given that the swimming pool is solely for

private use.

Issues relating to land ownership/boundary disputes have previously been raised and are a civil matter.

LCC Highways has previously raised no objections on highway safety grounds and the current proposal is not materially different in this respect.

Treated foul water would be disposed of to a mains sewer. SUDs has previously raised no objections. If any environmental problems were to arise they could be addressed through separate environmental legislation.

In terms of flood risk, the site is located within Flood Zone 1 (low risk) on the Environment Agency maps. It is within an area designated as no hazard with the South East Lincolnshire Strategic Flood Risk Assessment.

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.