DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0520-19**	**Applicant:**	**Mr & Mrs T Hyde**
Proposal:	Proposed dwelling - approved under H23-1124-17 - Modification of Conditions 6 and 7 to allow oak effect UPVC windows and doors in lieu of timber		
Location:	50 Broadgate Whaplode Drove Spalding		
Terminal Date:	16th July 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
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted in January 2018 for a 4 bedroom dwelling (ref: H23-1124-17). The Design and Access Statement accompanying the application indicated that:
- The design reflected that of a converted crew yard;
- It would be built to the latest standards and its design would include solar power and rainwater harvesting;
- Heating would be provided by either ground or air source technology.

This application is to modify conditions 6 and 7 to allow oak effect uPVC windows and doors in lieu of timber. The building is substantially complete and the windows/doors have been installed.

Site Description

The site is situated to the rear of No. 50 Broadgate and is currently occupied by a number of redundant timber buildings that have previously been used for business/agricultural purposes. Land associated with Whaplode Drove village store and post office, plus associated residence, is situated to the south. Agricultural land is situated to the north and west and a house (no. 48) to the north of the access roadway. A static caravan and associated building are situated to the south-west, with vehicular access off Beck Bank.

Planning History

H23-1124-17 - Full - Proposed dwelling - Granted 18 January 2018.

Representations

Whaplode Parish Council - Support.

Material Considerations

Principle

The site has full planning permission for a dwelling (ref: H23-1124-17) and the development has been implemented. No objections are therefore raised in principle to the erection of a dwelling.

Design/ Appearance

The design was based on a traditional range of agricultural barns and was considered to be rural in character. It is of a high standard of design and significantly improved the appearance of the site. Considerable weight was attached to these benefits.
In applying the tilted balance set out in bullet point 4(1) of paragraph 14 of the Framework, it was considered that the moderate level of harm caused by the construction of a new dwelling in the countryside would not significantly and demonstrably outweigh the considerable benefits of the provision of a dwelling and visual improvements that would occur to the site. Consequently, when the original application was considered the view was taken that the proposal would amount to sustainable development when applying the Framework as a whole, and as such the balance lay in favour of the scheme.

The uPVC windows and doors that have been installed are of a high specification. It is considered that they do not compromise the overall design concept. They are therefore considered to be acceptable.

Residential Amenity

Vehicular access to the site is between nos. 48 and 50 Broadgate. It is considered that the development would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. This is subject to appropriate boundary treatment

Highway Safety

The County Highways Authority has previously raised no objections on highway safety grounds.

Other Material Considerations

Drainage - Foul drainage would be disposed of via a package treatment plant and surface water by means of soakaways.

Flood Risk - The hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defences were to occur. Consequently, the proposal passes the sequential test. A finished floor level of 300mm above existing ground level was previously recommended.

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.