DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0081-24**	**Applicant:**	**Mr A Cooper**
Proposal:	Erection of Dwelling - approved under H02-0003-22. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Barn Lodge Hereward Way Crowland		
Terminal Date:	28th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a S73 planning application to vary condition 2 of planning application H02-0003-22. The approval allowed for the erection of a dwelling. This application seeks to make amendments to the windows and doors following requirements to change the internal layout. The changes include swapping the doors on the east elevation for fenestration (full length gall panels), removal of garage doors to the front elevation (south) replaced with opening, a gallery opening is also included on this elevation along with the repositioning of roof lights (4 number in total), an additional 'slot' opening on the rear elevation serving the wet room and a change to the location of roof lights (although 3 are retained).

Site Description

The application site is located on the eastern side of Hereward Way on land associated with the building known as 'Wisteria Barn'. Planning permission was approved for the erection of a dwelling. The property is a 1.5 storey 2-bedroom property.

The application site is located within the Conversation Area for Crowland.

History

H02-0003-22 - Erection of Dwelling. Approved 10-03-22

Consultation Responses

SHDC Environmental Protection Officer
No objections

Crowland Parish Council
The Parish Council has been unable to define what changes are to be made as the before/after details were not included in the application

Highways
No objections: The proposal is for minor amendments for the Erection of Dwelling - approved under H02-0003-22. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

Historic Places Team
No archaeological input required

North Level IDB
No comments to make

Representation
One letter of support has been received.

Planning Considerations

The principle of development has already been established and therefore there is no requirement to revisit these matters. The proposal does not change the scale or siting of the previously approved dwelling, nor does it alter the existing proposed parking provision. The following issues are therefore relevant to this assessment:

- Design and Heritage
- Impact upon Amenity

Design & Heritage

SELLP Policy 29b relates to development in conservation areas, it states that "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting".

SELLP Policy 2 states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

SELLP Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

The proposal does not make any changes to the previously approved form or siting of the building. Changes relate to fenestration and door openings following the change to internal layout. The previous planning permission attached condition on materials (as well as boundaries, landscaping etc) these details have not been provided and so will be attached to any permission again achieved.

Under this submission which the removal of garage doors, moves the aesthetic slightly away from a barn type building, however one of the west elevation which still does retain a garage door (and front Hereward Way) along with the arched gallery openings on the south elevation doe commentate this.
It is therefore considered that subject to the control of conditions the amendments would meet with the requirements of SELLP Policies 29, 2 & 3.

Impact upon amenity

Policy 2 of the SELLP is concerned with Development Management, Point 1 and 6 of the policy are especially pertinent, they state "Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1.size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses And

6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The applicant proposes an new opening on the north elevation that would serve a wet room. It is considered that this could require obscuration, reinforced through planning condition. This will duly be attached to any permission. All other openings are in location that would not give rise to unacceptable impacts in relation to overlooking. Furthermore this issue is mitigated by a boundary treatments conditions.

On this basis it is considered that the proposal would meet with SELLP Policies 2 and 30.

Conditions

Condition in relation to construction management, finished floor levels, site levels, landscaping, boundary treatments, external materials, doors and doors including frames and rainwater goods (as well as the removal of PD rights) were attach to the previous permission and will be reached again as the level of information provided with the submission is not sufficient to alter these conditions to compliance.

Conclusion

The proposed amendments are considered acceptable.

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.