

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0667-24 **Applicant:** Mr A Cooper

Proposal: Details of construction management plan, site levels, landscaping, boundary treatments, external doors & windows, rooflights & design & position of meter boxes (Conditions 2, 4, 5, 6, 8, 9, 10 and 13 of H02-0081-24)

Location: Barn Lodge Hereward Way Crowland

Terminal Date: 30th September 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 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application in relation to conditions 2, 4, 5, 6, 8, 9, 10 and 13 of H02-0081-24. The relate to the following:

Condition 2 - Details of construction management plan

Condition 4 - Site levels

Condition 5 - landscaping

Condition 6 - boundary treatments

Condition 8 - external doors & Frame

Condition 9 - windows

Condition 10- rooflights

Condition 13 - design & position of meter boxes

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, this was subsequently modified under a section 73 application. The application site is located within the Conversation Area for Crowland.

History

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

Consultation Responses

Highway & SuDs

The details of construction management plan, site levels, landscaping, boundary treatments, external doors & windows, rooflights & design & position of meter boxes (Conditions 2, 4, 5, 6, 8, 9, 10 and 13 of H02-0081-24 are acceptable in accordance with approved drawings and details submitted with this application.

Environmental Protection

We would not agree to Sunday working but other working hours and arrangements for CMP satisfactory.

Officer Comments

The applicant has now provided an updated CMP removing Sunday construction working hours.

Conservation Officer

The proposal site is within the conservation area and would be readily visible from the public realm. The proposal to utilise PVCu fenestration etc is not considered to be appropriate to such a setting

IDB

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

Parish

CPC leave this to the expertise of the Planning Department

Planning Considerations

Condition 2 - Details of construction management plan

The condition requires:

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

The applicant has provided an updated construction management plan in order to comply with the requirements of condition 2. Highways have been consulted and have no issues following the submission of this document. Environmental Protection only has concerns with construction taking place on Sundays. This has now been amended and no works will take place during this time.

On this basis then the proposal is considered acceptable and condition 2 is discharged.

Condition 4 - Site levels

The condition requires:

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided a plan titled 'landscaping, fencing and site levels' this shows the levels across the site as well as the FFLs of buildings. These are considered acceptable (it should also be noted that the FFLs of the dwelling are complicit with the requirements of condition 3 which states they must be 500mm above existing ground levels).

On this basis the proposal is considered acceptable.

Condition 5 - landscaping

The condition requires:

Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance

The applicant has provided a plan titled 'landscaping, fencing and site levels' this shows the landscaping on site which is considered acceptable. Given the proposal is a single plot the post planting maintenance will fall upon the owner.

On this basis condition 5 is discharged.

Condition 6 - boundary treatments

The condition requires:

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided a plan titled 'landscaping, fencing and site levels' this shows the proposed fencing across the site. The approach is considered acceptable in relation to its character and amenity effects.

On this basis the proposal is considered acceptable.

Exterior Features

SELLP Policy 29 is concerned with the historic Environment. Part B of the policy is concerned with Conservation Areas. It states (IN PART):

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

The next three conditions relate to external features (openings and doors), which are considered to have an impact upon the wider conservation area.

The policy is therefore applicable to the assessment of whether these features (that seek discharge through conditions 8, 9, & 10) are acceptable.

Condition 8 - external doors & Frame

The condition requires:

Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation

The applicant has provided a schedule of external doors and frames by Cortizo. These openings are UPVC and are finished in dark grey (anthracite). Given the location of the proposed development within the conservation area this approach is not acceptable.

On this basis the condition 8 is NOT discharged.

Condition 9 - windows

The condition requires:

Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

The applicant has provided a schedule of windows by Cortizo. These openings are UPVC and are finished in dark grey (anthracite). Given the location of the proposed development within the conservation area this approach is not acceptable.

On this basis the condition NOT 9 is discharged.

Assessment of Conditions 8 & 9

The doors and openings would have disproportionate profiling when compared to timber openings and the finish would also not be commensurate with SHDC approach to the use of appropriate features within a conservation area. Furthermore the dwelling has been designed to have an antiquated appearance, or at least not to be legible as a contemporary build within the conservation area and these openings would not be in-keeping.

Condition 10- rooflights

The condition requires:

Prior to their installation full details of the proposed roof light(s) shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided example of roof lights by Keylite. The exterior of which is 'grey/conservation black' these are considered acceptable, given they would sit flush with the roof, the roof lights also would have a lesser impact across the conservation area.

On this basis the condition 10 is discharged

Condition 13 - design & position of meter boxes

The condition requires:

Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided examples of the metre boxes by Tricel. Given their appearance and location on the dwelling these are considered acceptable.

On this basis the condition 10 is discharged

Conclusion

Conditions 2, 4, 5, 6, 8, 9, 10 and 13 of H02-0081-24 are hereby NOT discharged.

Only conditions 8 & 9 have not met with policy requirements the remaining condition are acceptable. However given the nature of this application type the decision must be to refuse the application.

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.