DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0853-21**	**Applicant:**	**Mr D King**
Proposal:	Erection of dwelling - approved under H02-1128-20. Modification of Condition 1 to allow amendments to previously approved plans.		
Location:	7 Barbers Drove South Crowland Peterborough		
Terminal Date:	5th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify the previously approved plans relating to the erection of a dwelling on land adjacent 7 Barbers Drove South, Crowland.

The applicant wishes to substitute the James Hardie 'Cobble Stone' cladding for Cembrit Plank 'Seafoam' cladding. The following pertinent amendments to fenestration are also proposed:
- The two first floor lounge windows to the front elevation are to be changed for a single box bay window
- The front double doors to the garden store room are also to be changed for a window
- The front most side facing window to the kitchen & dining family space to be removed

Minor alterations are also proposed to the fenestration on the rear elevation.

Site Description

As H02-1128-20.

History

H02-1128-20 - Reserved Matters - Erection of Dwelling - outline approval H02-0351-18 (approved February 2021)

H02-0351-18 - Outline application for proposed residential development - 3 dwellings (approved June 2018)

Consultation Responses

Public (1 comment received, summarised) -
- Recommends the installation of 6 swift nest bricks

Planning Considerations

Principle

The principle of residential development on the site has already been established through the previous approval. The key issue in this case, therefore, is whether the latest proposal is acceptable in planning terms.

Visual impact

The proposed alterations to fenestration are minor and do not have a material impact on the appearance of the proposed dwelling.

Whilst the cladding now proposed is a clear visual contrast to that previously approved, it would still create an attractive form of development overall and would not be unduly at odds with the visual appearance of the two dwellings approved on the neighbouring plots as they feature elements of white render to the front elevation and the stone wall panels would remain at ground floor.

The proposal is considered to satisfactorily accord with Policies 2 and 3 of the Local Plan with regard to design/visual appearance.

Residential amenity

The only alteration to windows facing the neighbouring plots is the removal of the front most side facing window to the kitchen & dining family space. No new overlooking aspect would therefore be created and the proposal remains in accordance with Policies 2 and 3 of the Local Plan in so far as they relate to residential amenity.

Swift nest bricks

A representation recommends a condition for the installation of 6 swift nest bricks. As this is an application to modify the previously approved Reserved Matters application, only new conditions that directly relate to the reserved matters can be imposed. As this is an ecological matter, it does not fall under the reserved matters and therefore it would not be reasonable to impose such a condition at this stage.

Planning balance

The proposed alterations are acceptable in visual terms and will not have a material impact on residential amenity.

The planning balance therefore remains in favour of the proposal.

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

In light of the above, the proposed amendments are considered to be in accordance with Policies 2 and 3 of the Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.