

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0478-21 **Applicant:** Mr R Sainsbury

Proposal: Conversion of barns & livestock unit into 5 bed dwelling - approved under H03-0552-20. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Shrubby Farm Main Road Deeping St Nicholas

Terminal Date: 29th June 2021

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
23	The Reuse of Buildings in the Countryside for Residential Use
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14 and 16

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

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify condition of planning permission H03-0478-21. This application is to amend Condition 2 to allow amendments to previously approved plans.

The amendments to the previously approved scheme include the following:

A new window opening on elevation 3
Changing location of 2no doors on elevation 2
Changing size of 1 window on elevation 2
Removal of 1 door and 1 window on elevation 4
Changing 2 doors to stable door on elevation 8
Changing size/type of window on elevation 9

The original application was for the conversion of barns and livestock unit into 5 bed dwelling.

Site Description

Access from the main road, the A1175, will be via an existing driveway which currently serves The Shrubbery and the farmland beyond.

The existing site is a collection of adjoined, predominantly brick built, barn buildings located to the rear of the farmhouse.

All of the barns, except one, the two storey unit identified as Building A, are currently used for general storage. Building A has been converted into, and is in use as, a live/work unit.

The land sits largely within Flood Zone 2.

Relevant Planning History

H03-0477-03 - Change of use from B1 to B1/residential, including insertion of window - Approved

H03-0552-20 - Conversion of barns and livestock unit into 5 bed dwelling - Approved

Consultation Responses

Public

A third party has recommended the installation of a minimum of 6no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

Planning Considerations

Principle

The site has full planning permission for the conversion of barns into a dwelling which was approved under H03-0552-20.

The main issues in this case are whether the amendments to the previously approved plans would be sympathetic to the character and appearance of the building and wider area, and acceptable on amenity grounds.

The proposed fenestration changes are considered minor and therefore accepted.

Layout, Design, Size and Scale

The amendments to the previously approved scheme include addition and relocation of doors/windows.

The proposed changes are not considered to significantly or unacceptably change the overall

appearance of the building or result in any unacceptable impact to the character of the area.

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the Local Plan in this regard.

Impact upon Residential Amenity

Given the remote location of the site the proposed changes are not considered to result in any unacceptable impact upon neighbouring amenity in terms of overlooking, overbearing or creating an undue overshadowing impact.

Taking the above into account, the amendments are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The amendments to the previously approved plans are minor and will not materially harm the character or appearance of the locality or amenity of nearby residents.

The planning balance is considered to be in favour of the proposal.

Conclusion

The planning balance lies 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.

Recommendation

That the application be approved under delegated powers.