

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H06-0228-21      **Applicant:** Mr R Swan

**Proposal:** Proposed workshop/garage - approved under H06-0579-18. Amendment to orientation of building.

**Location:** Cardwell House Dawsmere Road Dawsmere

**Terminal Date:** 31st March 2021

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

02                      Development Management  
03                      Design of New Development

#### National Guidance

#### National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places.

### Representations:

|  | Object | Support | No Obj. | Comments |
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### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is a non-material amendment application at Cardwell House, Dawsmere Road, Gedney Dawsmere for a proposed workshop/garage - approved under H06-0579-18. This application seeks an amendment to the orientation of the building by 90 degrees anti-clockwise so that the opening faces east toward the "grasscrete" roadway rather than south.

The purpose of the amendment is to provide a south facing roof to enable solar panels to be fitted facing the most effective direction should they be required at a future date.

No amendments are sought to the approved dimensions or materials of construction.

#### SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and designs. The site is in Environment Agency

Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for a habitable room, then there is not a requirement to raise finished floor levels.

## **HISTORY**

### H06-0375-88

Full - Single storey extension to existing elderly nursing home to provide 15 bedrooms with shower room, etc - Approved - 06 May 1988.

### H06-0327-03

Full - Alteration and change of use of existing residential dwelling to respite accommodation in connection with existing residential care home - Approved - 22 May 2003.

### H06-1377-04

Full - Extension and alterations to provide rehabilitation centre - Approved - 12 January 2005.

### H06-0438-13

Full - Change of use from Nursing Home and ancillary accommodation to domestic residences and annex - 31 July 2013.

### H06-0579-18

Full - Proposed workshop/store/garage - Approved - 03 August 2018.

## **CONSULTATION RESPONSES**

None

## **PLANNING CONSIDERATIONS**

This application is assessed against the criteria for assessing whether the proposal amendments are non-material.

All of the following criteria must be met for amendments to be considered under this procedure:

- 1 - There would be no alteration to the application site boundary (red edge).
- 2 - The amendment would not conflict with Development Plan Policies or other Government Guidance.
- 3 - The proposal would not exacerbate concerns raised by third parties at original planning application stage.
- 4 - The proposed change would not be contrary to a condition on the original approval.
- 5 - The approved footprint / siting of the building will not be moved materially and will not have a material impact on a neighbour.
- 6 - The height of the building or extension would not be increased.
- 7 - The amendment would not result in any potential overlooking of any neighbouring property.
- 8 - The amendments must not result in a fundamental change in the design of the building.
- 9 - The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

When assessed against the above criteria the following can be observed:

- 1 - There is no alteration to the application site boundary.

2 - The proposal does not conflict with South East Lincolnshire Local Plan (SELLP) Policies or other Government Guidance.

3 - The proposal does not exacerbate concerns raised by third parties at original planning application stage.

4 - The proposed change would not be contrary to a condition on the original approval.

5 - The approved footprint / siting of the building will not be moved materially and will not have a material impact on a neighbour. There are no neighbours in the vicinity of this proposal, and the building will remain broadly on the same footprint, having been rotated 90 degrees anti-clockwise.

6 - The height of the building has not been increased and the applicant seeks no amendments to any of the previously approved dimensions.

7 - The amendment would not result in any potential overlooking of any neighbouring property as there are no dwellings immediately to the south of the site where the building is to be sited.

8 - The proposal seeks to provide a building that is 18 metres in width and 12 metres in length with a 4.5 metre eaves height and a 5.625 metre maximum apex height. The workshop will be constructed from olive green plastic coated sheeting. The building will be sited to the south west of the main dwelling and will be accessed by a "grasscrete" roadway laid between existing trees. The building will be used for the domestic storage of garden maintenance equipment. There are to be no amendments to the above details.

9 - The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

The proposal is considered to meet the criteria for non-material amendments.

## **PLANNING BALANCE**

The proposal is considered to meet the criteria for non-material amendments and the rotated footprint does not materially impact the character or amenity of the surrounding area.

## **CONCLUSION**

This application is recommended for approval.

## **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.