DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1104-22**	**Applicant:**	**Mr & Mrs G Merrison**
Proposal:	Demolition of barn and erection of dwelling - approved under H06-0754-22. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Parsons Yard Middle Drove Gedney		
Terminal Date:	10th January 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport;
Section 11. Making effective use of land.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

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 2 of planning permission H06-0754-22 to allow amendments to previously approved plans. The only amendment proposed is bringing the previously approved dwelling forward by 12.5 metres.

The original application was for the demolition of the existing barn and erection of a new dwelling.

Site Description

The site is located in open countryside on the northern side of Middle Drove and is currently occupied by an agricultural building of corrugated metal and asbestos/fibre cement construction. Native hedging and a shallow drain are situated along the frontage.

A cottage and associated buildings are situated to the west and a bungalow (Mariern) approximately 190 metres to the south-west on the opposite side of Middle Drove.

Relevant Planning History

H06-0754-22 - Demolition of existing barn and erection of dwelling - Approved

H06-1043-21 - PAA - Change of use of barn to residential dwelling - Approved

Consultation Responses

Gedney Parish Council

No objections.

Planning Considerations

Principle

The site has full planning permission to demolish the existing barn and erect a new dwelling which was approved under application H06-0754-22. As such the principle of development has already been granted and this is not disputed.

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 site and wider area, and acceptable on amenity grounds. These are discussed below.

Layout, Design, Size and Scale

The proposal to bring the previously approved dwelling forward towards Middle Drive by approximately 12.5 metres is considered acceptable as it would not significantly or unacceptably change the overall appearance of the site or result in any unacceptable impact to the character of the area. The dwelling would still be set back from the public realm by a significant distance (approximately 40 metres) therefore it would not appear any more prominent in the street scene compared to the original scheme.

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 acceptable 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 and the development is considered to accord with Policies 1, 2, 3, 4, 10, 11, 28, 30, 31, 36 and Appendix 6 of the SELLP as well as Sections, 2, 4, 5, 9, 11, 12, 14 and 15 of the NPPF.

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.