

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0205-23 **Applicant:** Mr Dickens

Proposal: Demolition of existing buildings and erection of 4 dwellings - approved under H23-0794-21. Removal of Condition 5 to allow uPVC windows with wood grain effect in lieu of timber windows

Location: Orchard Farm Dowsdale Bank Shepeau Stow

Terminal Date: 26th April 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
17	Providing a Mix of 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 3. Plan Making;
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	1	0	0

WARD MEMBER	0	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for the demolition of existing agricultural buildings and the erection of 2 no. 4 bed houses and 2 no. 5 bed houses (ref. H23-0794-21). Development has commenced on site.

This application is to remove condition 5 under S73A to allow uPVC windows with wood grain effect in lieu of timber windows.

Site Description

The buildings, which are part brickwork and part fibre cement, are located on the eastern side of Dowsdale Bank and are currently part of a farmyard. They have now been partially demolished as part of the development.

An existing access is located immediately to the north. The nearest dwellings are "Willowdale" and "Sunnydale" located to the south-west.

Recent History

H23-0594-20 - Prior approval - Proposed barn conversion into 5 dwellings - Approved 15 October 2020.

H23-0794-21 - Full - Demolition of existing buildings and erection of 4 dwellings - Granted 16 November 2021.

H23-0358-22 - Full - Erection of dwelling - amendment to position of Plot 4 previously approved under H23-0794-21 - Granted 23 May 2022.

H23-0545-22 - Cond Comp - Details of external materials, landscaping, boundary treatments, acoustic fence, means of foul & surface water disposal, a scheme to deal with contamination and ecological biodiversity measures (Conditions 3, 4, 6, 7, 9, 11 & 13 of H23-0794-21) - Granted 24 February 2023.

H23-0835-22 - PAA - Proposed conversion of existing agricultural buildings to 5 dwellings and associated works - Granted 16 December 2022.

H23-0274-23 - Full - Demolition of existing barns and erection of five 4-bed 2-storey detached dwellings and 1 car port - Under consideration.

Consultation Responses

Whaplode Parish Council

Support.

Planning Considerations

Section 73 relates solely to a modification of conditions. The operational part of the planning permission (the description of what is permitted) endures. The current proposal is to alter the windows from timber to woodgrain uPVC.

The design concept of the four dwellings is loosely based upon a traditional 19th Century barn.

Permission was granted for new dwellings, as opposed to a conversion of the existing agricultural buildings, on the basis that the proposal offered a reduction in density and the proposed dwellings would deliver some benefits to the appearance of the site compared to the fallback position.

Traditional barns tend to have dark stained timber windows. Whilst timber windows would be preferable, the dwellings are based upon a modern interpretation of 19th Century buildings. Given this fact, dark stained uPVC windows are considered acceptable on balance.

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

The revised details are considered acceptable on balance.