

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0966-21 **Applicant:** AC Building Peterborough Ltd.

Proposal: Demolition of existing dwelling and workshop, erection of up to five detached dwellings including hard standing & access from Backgate - approved under H01-1047-20. Modification of Condition 1 to allow amendments to previously approved plans (change of design of plot numbers 4 and 5).

Location: 22 Backgate Cowbit Spalding

Terminal Date: 12th November 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
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	1	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 demolition of an existing dwelling and workshop, with the erection of up to five detached dwellings including hard standing & access from Backgate, at 22 Backgate, Cowbit (approved under application ref. H01-1047-20).

The proposed modifications are:

- Additional bedroom over garage for Plots 4 and 5
- Gable roof to Plot 5 changed to hipped roof

Site Description

As original application, except development has now commenced.

History

H01-1047-20 - Reserved Matters - Erection of 5 dwellings and associated works - outline approval
H01-0292-19 (approved February 2021)

Consultation Responses

Cowbit Parish Council - The Parish Council have no comments or objections.

Public (1 comment received, summarised) -

- Recommend the installation of 3 swift nest bricks per building

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 modifications are for an additional bedroom over the garage for Plots 4 and 5, with the gable roof to Plot 5 being changed to hipped roof. As the footprint would not be enlarged and there would be a cohesive roof arrangement, these alterations would not have an adverse impact on the character or visual appearance of the individual dwellings, overall scheme or wider area.

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

Residential amenity

Plot 4 is sited in between dwellings on site and therefore the proposed alteration to this plot will not have an impact on existing neighbouring residents.

There is a bungalow to the south of Plot 5 but there would be no side facing windows introduced at first floor. The two storey facing wall would be brought closer to the neighbouring dwelling to approx. 12m away from the facing elevation. This is still an acceptable separation distance.

Overall, the proposal remains in accordance with Policies 2 and 3 of the Local Plan in so far as they relate to residential amenity.

Impact on parking provision

Plots 4 and 5 would be increased from 4-bed dwellings to 5-bed.

Appendix 6 of the Local Plan sets out minimum parking standards, including for new residential development. 3 parking spaces within the curtilage should be provided for dwellings with 4 or more bedrooms. Between the garaging and the driveway space provided, the proposal still complies with this requirement.

Swift nest bricks

A representation recommends a condition for the installation of 3 swift nest bricks per building. 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 or parking arrangements.

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, 3 and 36 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.