

**DECISION DELEGATED TO DEVELOPMENT MANAGER**

**Application No:** H02-0791-20                      **Applicant:** Mrs J Sadler  
**Proposal:** Erection of new exemplar 4 bed house with swimming pool and gym and separate garage - approved under H02-0968-15. Modification of Condition 2 to allow amendments to previously approved plans (relocation of the passing bay and retention of walls and gates)  
**Location:** Bekstone House 28 Plank Drove Crowland  
**Terminal Date:** 18th November 2020

**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**

NPPF 2019.

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

**CASE OFFICER ASSESSMENT**

**Proposal**

Erection of new exemplar 4 bed house with swimming pool and gym and separate garage - approved under H02-0968-15. Modification of Condition 2 to allow amendments to previously approved plans (relocation of the passing bay and retention of walls and gates).

The passing bay is installed but not completed and the walls and gates are in situ.

## **Site Description**

The host property is a recently completed detached dwelling in the countryside, with access from Plank Drove.

## **History**

H02-0968-15. Erection of new exemplar 4 bed house with swimming pool and gym, and separate garage.. Approved 27-01-16.

H02-1070-16. CONDITION COMPLIANCE. Details submitted relating to Conditions 3, 8 and 10 of H02-0968-15. Approved 30-11-16.

## **Consultation Responses**

### Crowland Parish Council

No objections to this application.

### LCC Local Highway and Lead Local Flood Authority

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed small alteration to the position of the consented passing place would not be expected to have an unacceptable impact upon highway safety and therefore, does not wish to object to this planning application.

### North Level IDB

No comment to make.

## **Planning Considerations**

### Impact of the changes on highway safety

As can be seen from the above, LCC Highway Service has no objection to the resiting and reconfiguration of the passing bay, which was a requirement of the original planning permission granted for the site. It is considered that in terms of highway and pedestrian safety the works are acceptable and accord with Policies 2 and 3 of the SELLP.

### Visual Impact

The passing bay, which is now bounded by the walls that have been erected, and the wider walls and gates create an urban feel to this part of the drove, however it is not considered that the impact is so detrimental that planning permission should be withheld.

On balance it is considered that the works are acceptable and accord with Policies 2 and 3 of the SELLP.

## **Conclusion**

Approve, subject to a condition to seek the completion of the passing bay to an acceptable standard.

## **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.