

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0284-19 **Applicant:** Mrs K Watts

Proposal: Outline planning application for residential development - approved under H07-0059-18. Variation of Condition 4 to remove the gross floor area restriction

Location: Land South Of Highstock Lane Gedney Hill Spalding

Terminal Date: 11th June 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This Section 73 application concerns an outline planning application for residential development - approved under H07-0059-18. Variation of Condition 4 to remove the gross floor area restriction at Land South of Highstock Lane, Gedney Hill.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. Dwellings are located to the east and west of the site with arable land to the north and south of Highstock Lane.

History

H07-0059-18

Outline planning application for residential development - Approved - 27 March 2018.

Consultation Responses

Member of public comments

"I wish to object on the grounds that the village cannot cope with properties for a large number residents due to lack off infrastructure."

Planning Considerations

Principle of development

Impact of change of national planning policy with publication of the NPPF 2019.

Planning Considerations

Under the latest local and national policy guidelines and the ability to demonstrate 6.07 years of housing supply through the latest Housing Land Supply Assessment, there would normally be a policy of restraint in this location. However, the principle of development of development was established on this site long before either consideration had been instituted, with outline permission having been granted in December 2017.

With regard to the increase in gross floor area, this is a matter that that should not impact upon the character of the surrounding area or amenity of existing properties. Planning Policy Guidance states that planning obligations are now required if the development is for 10 dwellings or more and / or 0.5Ha site area as this would constitute a major development. The definition of major development can be found on Page 68 of the National Planning Policy Framework (2019).

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 & 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.