

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0201-19 **Applicant:** P P M Limited

Proposal: Partial demolition and conversion of disused shop into single dwelling - approved under H08-0207-98. Removal of condition 3 relating to parking and manoeuvring

Location: 12 Wargate Way Gosberton Spalding

Terminal Date: 22nd April 2019

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

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	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 planning application for removal of Condition 3 of the planning application H08-0207-98. Planning permission was granted for partial demolition and conversion of disused shop into single dwelling at 12 Wargate Way, Gosberton, Spalding.

Condition 3 laid down that "the area shown on the submitted plans, reference: 1412AB/3 for parking and manoeuvring shall be made available for this use at all times. Reason: To enable vehicles to

enter and leave the highway in forward gear in the interests of road safety".

The turning and parking area is on a piece of land the applicant does not own any more.

Site Description

Wargate Way runs from north to south and the residential frontage is along the western side of the highway. The property stands within a narrow linear site as well as the adjacent property No. 10 to north. There is a shared access under rights of way between both properties.

The block plans of planning applications H08-0207-98 and H08-1280-01 show the curtilage boundaries of No. 12 to the rear of the shared access. The block plan of this current application shows the rear boundary along the fence crossing the maximum width of the access. The strip of land forming an L shape and accommodating the parking and manoeuvring area is no longer under the applicant's ownership.

Planning permission was obtained under planning application H08-1280-01 for a detached garage to the rear of No. 12. The outbuilding was proposed in close proximity to the existing rear fence of No. 12. No garage has been built at the time of the site visit.

History

H08-0207-98 - Partial demolition and conversion of disused shop into single dwelling - Approved

H08-1280-01 - Erection of double garage - Approved

Representations

Residents

Local resident has raised the following issues:

- Further clarification is sought regarding the mention of "old shop" mentioned in the description of the proposal in the application form.
- Requirement of free access through the shared drive during any construction works.
- No part of the garage should be within the shared access as the driveway is owned by another party and the residents at No. 12 have only foot and vehicle access.

Material considerations

Impact upon amenity

Although the footprint of the detached garage approved in 2001 is shown in the block plan of this current application, the proposal has not been submitted to seek the construction of such garage but the removal of a planning condition for a turning and parking area which no longer exists. Having said that, no impact upon the amenity of residents nearby is anticipated. The resident objection therefore does not apply as it has been made on the assumption that the garage approved under H08-1280-01 would be built and be detrimental to their residential amenity.

Additional Considerations

None

Conclusion

In light of considerations above, the proposal would comply with Policy 2 and 3 of South East Lincolnshire 2019.

It is accordingly recommended to approve this planning application via delegated powers.

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 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.