DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0257-22**	**Applicant:**	**RTW Construction & Development**
Proposal:	Residential Development of 18 Dwellings - approved under H08-0218-20. Modification of Condition 1 to allow amendments to previously approved plans.		
Location:	Site Adj. Silverdene Boston Road Gosberton		
Terminal Date:	8th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks to amend the plans previously approved in so far as they relate to Plot 18 of the proposed development. The site benefits from Reserved Matters approval (application ref. H08-0218-20), which runs until 27th July 2022.

Site Description

The site is a greenfield site of approx. 2.2ha, which is mostly overgrown. There are a number of mature trees along the southern and eastern boundaries. A pedestrian track runs along the southern boundary. There are frontage properties facing onto Boston Road to the south and north. The site is bounded by drains to the north and west.

History

H08-1183-21 - Full - Proposed residential development comprising 20 dwellings (refused March 2022)

H08-0218-20 - Reserved Matters - Residential Development of 18 Dwellings - outline approval H08-0866-18 (approved July 2020)

H08-0518-19 - Outline - Residential development (re-submission of H08-0866-18) (refused July 2019)

H08-0866-18 - Outline - Residential development - for up to 18 dwellings (approved March 2019)

Consultation Responses

The Rt Hon Sir John Hayes CBE MP - Whilst I appreciate outline planning permission has been granted for his site, I remain extremely concerned about the loss of wildlife which could have been a source of carbon capture for the future. Once developed the environmental benefits will be lost forever. I would, therefore, be grateful if you could treat my letter as an objection to this planning application.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The proposal is for minor amendments to modification of condition 1 that already has approval under H08-0218-20. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

Public (1 objection received, summarised) -
- Concern regarding impact on wildlife on and off-site
- Site is superfluous to requirements in terms of need

Planning Considerations

There is an extant planning permission (H08-0866-18 and H08-0218-20) for residential development of the site. The key matter for consideration is, therefore, whether the alterations to Plot 18 would be acceptable.

The footprint covered by the dwelling is similar to that previously approved, rather it would be mirrored with the single storey wing projecting west instead of east. Instead of the car port and pergola previously proposed, that wing would house a swimming pool and bar/seating area. The internal layout and design of the dwelling would otherwise remain very similar, albeit it would be facing brick rather than render. It therefore remains acceptable in visual terms. There are no new concerns regarding overlooking as the separation distances from the dwelling to other properties are substantial.

The garage/workshop originally approved is proposed to be substituted for a garage with annexe above, and sited further north. This would be approximately 18m west of the property fronting Boston Road, which is an acceptable separation distance given the absence of windows in the east facing elevation of the garage/annexe. A car port is also proposed and is not out of keeping with the overall scale and type of property.

On that basis, the proposal is considered to satisfactorily accord with Policies 2 and 3 of the Local Plan in design and amenity terms.

This application is for an amendment to an extant permission, therefore the merits of developing the site cannot be considered through this application.

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

Taking the above into account, the proposed amendments to Plot 18 of the development are considered to satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.