

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0706-19 **Applicant:** Ashley King Developments

Proposal: Proposed residential development comprising 36 dwellings - approved under H09-0288-15. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Land Off Balmoral Way Holbeach Spalding

Terminal Date: 30th November 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
 Section 5. Delivering a sufficient supply of homes
 Section 8. Promoting healthy and safe communities
 Section 9. Promoting sustainable transport
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Modification of Condition 2 to allow amendments to previously approved plans. Proposed residential development comprising 36 dwellings -approved under H09-0288-15.

The aim of this application is to seek planning permission for the replacement of housing types Bransby and Tay for Ribble.

Site Description

The site amounts to 1.75 hectares and is on the north-east of the existing built up estate, including Balmoral Way, through which access would be taken for the new dwellings.

The site is comprised of a large field to the east of the end of Balmoral Way. There are existing conifers on the northern boundary and smaller trees within the site, none of any great amenity value. The properties on the adjoining estate are fairly large detached houses. There is a detached bungalow adjacent to the access on Foxed Low Road.

Access for the new houses would be from the existing road, Balmoral Way. A separate access exists to Foxes Low Road which is an agricultural right of way.

History

H09-0288-15 - Proposed residential development comprising 36 dwellings (approved February 2018)

Consultation Responses

Holbeach Parish Council

No objection.

Lincolnshire County Council as Highways and SUDS Authority

No objection.

Lincolnshire Police

No objection.

SHDC Housing Strategy Officer

No objection.

"The applicant proposes 6 of the affordable homes for affordable rent (4 x 1 bed houses and 2 x 2 bed houses), with the remaining 3 as shared ownership (3 x 3 bed houses) which broadly match the recommended tenure split within policy 18: Affordable Housing of the Local Plan"

Lincolnshire County Council Education

No objection.

"While not a party to the original s.106 agreement, I would request a DoV linking the original to the current planning to ensure that the education impacts of the development are mitigated"

NHS

No objection.

SHDC Environmental Protection

No objection.

Residents

5 representations have been received objecting to the proposal on the following grounds:

- Vibrations and noise impact during the clearance works
- Poorer highway safety during the clearance and construction works
- The proposed houses are larger and higher and excessively close to existing dwellings in Balmoral Way.
- The playground is too close and would cause further noises and loss of privacy.

Planning Considerations

Design and layout

Below are the approximate dimensions of the house types:

Bransby (Dwg. No. K2S4B02-R)

8.35 metres wide, 7.70 metres deep and 7.90 metres high

Tay (Dwg. No. K2S4B01-B)

10.20 metres wide, 11.15 metres deep and 8.35 metres high.

Ribble (Dwg. No. RIBB-V-DS-01)

9.32 metres wide, 7.52 metres deep and 8.40 metres high.

All of them have 4 bedrooms: 1 no. ensuite master bedroom and 3. No bedrooms.

Having regard to the difference in size between housing types, it is considered that the replacement of Bransby and Tay for Ribble would not have any detrimental impact upon the entire residential scheme in terms of design and layout

Residential amenity

There would be a marginal increase in height with the proposed amendments. This would create a negligible impact upon the existing nearby dwellings in Balmoral Way. Overall, the scale and massing of the building would not substantially change because of the proposal.

Conclusion

The objections received mostly relate to matters addressed in the previously approved application. It is concluded that the revised form of development is acceptable and would not have an impact on

the surrounding area over and above the originally approved scheme. Therefore, this planning application should be approved via delegated powers.

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.