DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0879-22**	**Applicant:**	**Paddock Developments**
Proposal:	Residential development of 81 dwellings, associated garaging, roads and sewers approved under H09-0613-21. Modification of Condition 2 to allow amendments to previously approved plans (change in house design and siting on plot accessed from Foxes Low Road).		
Location:	Land East Of Chaffinch Way Holbeach Spalding		
Terminal Date:	6th December 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to amend the plans previously approved in so far as they relate to Plot 8 of a wider 81 dwelling scheme (ref. H09-0613-21). The design of that Plot has been amended and there has been an adjustment to the position of the dwelling due to a well being discovered on site.

Site Description

The application site fronts Foxes Lowe Road and sits between a bungalow and an agricultural building. The land to the rear and north-east forms part of the original application. To the north-west is a recently completed residential development. There is agricultural land opposite and a dwelling to the east/south-east.

History

H09-0613-21 - Full - Residential development of 81 dwellings, associated garaging, roads and sewers (approved March 2022)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The proposal is for minor amendments to Condition 2 that already has approval under H09-0613-21. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

South Holland Drainage Board - Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore, the Board has no comments to make.

Planning Considerations

There is an extant planning permission (H09-0613-21) for residential development on this plot and wider area of land to the rear and north-east. The key matter for consideration is, therefore, whether the alterations to Plot 8 would be acceptable.

The scale of the dwelling is similar to that previously approved and would remain a 4-bed property. Whilst the design of the dwelling is different to that of the house types of the developer of the wider site, this is the only plot that fronts Foxes Lowe Road and would not therefore necessarily be read in association with the other dwellings on that site. Development along this road is varied in terms of design and the proposed house design would not be unduly out of keeping with the character of the area. The siting of the dwelling within the plot has not been altered substantially. It therefore remains acceptable in visual terms.

The only side facing windows proposed are to the study on the western elevation and the snug on the eastern elevation, both at ground floor. Given the presence of 1.8m boundary fencing, and the property to the west is a bungalow, there would be no new overlooking impact. The dwelling would come approx. 2.5m closer to Primrose Holt than before, but would still have a separation distance of approx. 10.5m. Furthermore, the only facing windows to that property are to a garage, utility and w/c, which are considered non-habitable spaces in planning terms. There would therefore be no material overbearing or loss of light impact.

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

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 8 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.