DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-1212-21**	**Applicant:**	**Mr B Akinkugbe**
Proposal:	Proposed 4 bed house and detached garage - approved under H13-0664-17. Removal of Condition 3 relating to existing hedge and access.		
Location:	2 Seas End Road Moulton Seas End Spalding		
Terminal Date:	18th January 2022		

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting Sustainable transport;
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

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

RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to remove condition 3 attached to reserved matters approval H13-0664-17 which required the reduction of the height of the front hedge to no higher than 0.6 metres.

The original application was for a four-bed house and detached garage.

Site Description

The application site is located on Seas End Road in Moulton Seas End. It comprises a detached dwelling of contemporary design with white rendered walls, a grey tiled roof and anthracite grey UPVC windows. It has a detached garage sitting forward of the dwelling. The immediate area comprises mixed development of both traditional and contemporary dwellings.

Relevant Planning History

H13-1180-21 - Erection of boundary fence - retrospective - Approved

H13-0664-17 - Reserved Matters for Proposed four-bed house and detached garage - Approved

H13-0759-16 - Outline application for Replacement dwelling (indicative 4 bedroom house and detached double garage) - Approved

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Residents

2no letters of objections have been received siting the following concerns

·The fence erected at the application site obstructs views of adjacent neighbour when existing the site
·The high hedge at the front of the property causes a significant restricted vision for any vehicle exiting the property

Planning Considerations

Layout, Design, Size and Scale

The proposal to retain the front boundary hedge is considered acceptable as there are various boundary treatments in the immediate area.

The proposed changes are not considered to significantly or unacceptably change the overall appearance of the building or result in any unacceptable impact to the character of the area.

In light of the above, the scheme is acceptable on character/design grounds and is in accordance with Policies 2 and 3 of the Local Plan in this regard.

Impact upon Residential Amenity

The hedge in question sits adjacent to the highway therefore it will not materially harm the amenity of nearby residents.

All other aspects of the proposal remain the same as the previously approved scheme.

Impact on highway safety

2no neighbours have objected to the proposed scheme on grounds that the fence erected at the application site obstructs views of adjacent neighbour when existing the site and the high hedge at the front of the property causes a significant restricted vision for any vehicle exiting the property. The fence referred to has already been permitted under a separate planning application and highway safety was considered under this application and deemed acceptable.

The concerns regarding restricted visibility are noted, however, the Local Highways Authority has not raised any objections. The LHA has advised that now the consented development has been completed, the visibility for drivers leaving the property is acceptable for the scale of development and the nature of the adjacent highway for it not to be necessary to reduce the height of the existing frontage hedge to 0.6 metres.

As such the scheme is considered acceptable from a highway safety perspective.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents or highway safety. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking the above into account, the amendments are deemed to comply with Policies 2 and 3 of the SELLP, 2019 and Section 12 in the NPPF, 2021.

The planning balance is considered to be in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.