

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0508-23 **Applicant:** Highgrove Homes (Spalding) Ltd.

Proposal: Residential Development of 4 Dwellings - approved under H14-1279-21. Modification of Condition 1 to allow amendments to previously approved plans

Location: Land Adj. Four Acres Beck Bank West Pinchbeck

Terminal Date: 31st July 2023

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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT**Proposal**

This application is a section 73A Continuation relating to the modification of Condition 1 of H14-1279-21. This modification involves changing the boundary treatments to replace railings with

timber post and rail fencing. The fence type to be used in replacement of this will have 100mm x 75mm softwood posts with tops and 3 no. 100mm x 38mm horizontal rails scarfed both ends fixed to the face of the post.

Site Description

The site is within the settlement boundary of Northgate as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site forms part of the substantial garden of the property known as 'Four Acres', which extends to the side and the rear of the property. Existing residential development in the area is varied in terms of size and style. There are existing dwellings to the north and south and on the opposite side of the road. There are open fields to the east.

History

H14-0336-18 - Residential Development - Approved

H14-0370-21 - Residential Development - Approved

H14-1279-21 - Residential Development of 4 dwellings, outline approval H14-0370-21 - Approved

Consultation Responses

No objections.

South Holland District Council Environmental Protection

No comments.

Pinchbeck Parish Council

Support - The development would be unobtrusive and not affect the street scene.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The measurements of the fence that will be omitted are 1200mm in height and 2000mm in length, this is to be replaced by a fence that is of a similar measurements being 1200mm in height and 1830mm in length. Therefore it is considered that these measurements are acceptable as there is no significant difference between the two that could effect the area.

The proposed removal of of 'Fence Type C' to be replaced along the frontage of the site by Type B will have no detrimental impact upon the character of the area. The use of this fence type will better suite the area it is in and therefore ensure that it doesn't stand out when compared to existing fences and doesn't create any visual discrepancies as it will match what is opposite the proposal. Overall, the fence will appear well blended into the locality.

Impact upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The changing of fence type would have no impact on resident amenity. There would be no concerns

regarding overshadowing or overlooking and the development would not be overbearing on the area or locality. Naturally, after the initial construction, which itself would take place over a short period, minimal additional noise pollution would be caused as a result of the development.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Planning Balance

The proposed changing of fence type to be replaced by a different design will ensure the development appears well blended into the area, this will be because it matches the fences nearby that are already apart of the houses that are opposite the development site and therefore complementing what is already there.

There would be no other impacts arising from this modification. No overlooking, overshadowing or other amenity impacts would occur due to the alteration. None of the concerns of any consultees or concerns raised in the original officers report would be relevant in this regard.

The planning balance is therefore in favour of the proposal.

Conclusion

The recommendation is therefore for a delegated approval.

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.