

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0634-19 **Applicant:** Mr W Schofield
Proposal: Residential - Erection of Dwelling
Location: Rear Of 160 Spalding Road Pinchbeck Spalding
Terminal Date: 19th August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of a dwelling on domestic garden land to the rear of 160 Spalding Road, Pinchbeck.

The indicative proposal plan shows a two storey, three bedroom dwelling, with shared driveway to the north of 160 Spalding Road at the side of the property. This application solely seeks to establish the principle of development.

The site is shown to be located within Flood Zone 3 on the Environment Agency Flood Maps, with a "Danger for Most" hazard level and a maximum predicted flood depth of 0.5 metres above ground level as shown on the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) mapping. The submitted Flood Risk Assessment proposes finished floor levels of 500mm with an additional 300mm of flood resilient construction above.

Site Description

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. A recently approved Section 73 proposal under reference H14-0041-19 adjacent to the proposal site sought demolition of vacant industrial buildings and erection of up to 5 detached houses to the side and rear of the dwelling. The buildings have already been removed from the site with the land currently being cleared.

History

H14-1017-81

Change of use from garage to car repair and spray shop - Temporary two year approval - 30 December 1981.

H14-0041-19 - Adjacent to application site to the side and rear

Demolition of vacant industrial buildings and erection of up to 5 detached houses - approved under H14-1187-17 - Modification of Conditions 2 and 5 to allow amendments to previously approved plans - Approved - 07 March 2019.

Consultation Responses

Environmental Protection Officer

Requests full contaminated land condition.

Members of the public

One objection - Overlooking / loss of privacy

County Highways & SUDS Officer

No objections

Pinchbeck Parish Council

Support

Planning Considerations

- Principle of development.

- Highway safety
- Overlooking / loss of privacy.

The site is within the defined settlements of Pinchbeck and there are a number of dwellings granted outline planning approval to the north and east of the proposal site. A dwelling in this location would therefore not be considered to create a precedent or impact the character of the surrounding area.

The is not considered to be an impact on highway safety arising from utilising the existing access. There is adequate visibility in both directions of Spalding Road that is 30mph in this section, and the County Highways & SUDS Officer has expressed no objections.

Any matters related to overlooking and overshadowing can be addressed by an appropriate design to be submitted at the reserved matters level. This can be achieved by sensible orientation of the building, limiting side elevation windows and the use of rooflights where applicable. The imposition of a condition requiring finished floor levels to be raised 500mm above existing ground level should not materially impact the final design.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.