DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0662-20**	**Applicant:**	**Mrs J M Camargo**
Proposal:	Removal of fence and replacement with a gate and a 2 metre high brick wall, including a new vehicular access		
Location:	109 Atherton Gardens Pinchbeck Spalding		
Terminal Date:	19th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for the removal of a fence and replacement with a gate and a 2 metre high brick wall, including a new vehicular access at 109 Atherton Gardens. The proposal seeks to

provide a wall constructed from Ibstock Grampian Red Mixture brick to match that of the existing dwelling. A electric timber gate of 2 metres in height and 2.5 metres in width, in line with the front elevation of the dwelling, will provide access for parking in what is currently a grassed rear garden, that will be partially covered by permeable Driveline Priora Permeable Buff Block Paving.

SITE DESCRIPTION

The proposal is within defined settlement limits in an estate currently under construction, with dwellings of a similar age and varying designs.

HISTORY

No relevant history.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

Pinchbeck Parish Council

Support.

Planning Considerations

Principle of development

The proposal is for a residential access on residential land within the defined settlement limits of Pinchbeck, so the principle of development in this location is considered acceptable.

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site. Impact on the amenity, trees, character and appearance of the area is not considered to be materially altered. Sufficient garden space would still be retained for the occupants.

2. The design of the wall is to match the bricks of the existing dwelling and the line of boundary treatment remains the same. A brick wall will arguably be more visually attractive than the existing fence

3. Whilst the proposal does not seek to maximise the use of sustainable materials, this to ensure that the proposal is in keeping with the existing built character of the surrounding area.

4. The proposed is not expected to generate an increase in the level of traffic but will provide 2 off road parking spaces which would be supported by Policy 36 and Appendix 6 of the SELLP which both seeking to increase off road parking provision in the district. The Highways Authority have not objected to the proposed new access.

5. The proposal will not have an impact on existing community services and infrastructure,

6. The proposal will not have an impact on noise, odour, disturbance or visual intrusion.

7. The proposed parking area is to be permeable as it is will constructed from permeable paving. Sustainable drainage and flood risk is not considered to be affected as a result of proposed parking area construction materials.

8. Natural habitats, historical buildings and heritage assets will not be affected by this proposal.

9. Sand and gravel mineral resources will not be affected by this proposal.

The proposed is considered to accord with Policy 2 of the South East Lincolnshire Local Plan.

Conclusion

The proposal is considered to accord with Policies 1, 2, 3, 36 and Appendix 6 of South East Lincolnshire Local Plan, 2019 as well as Section 12 of the National Planning Policy Framework, 2019.

The recommendation is one of 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.