DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0818-20**	**Applicant:**	**Mr T Payne**
Proposal:	Erection of timber shed - retrospective		
Location:	23 Market Way Pinchbeck Spalding		
Terminal Date:	20th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective application for the erection of a timber shed to the the front of 23 Market Way, Pinchbeck. The proposed shed is located 1.8m behind a hedge at the road edge that is approximately 2.5 metres in height. The shed is 4 metres in width, 5 metres in length, has an eaves height of 2.4 metres and a maximum apex height of 2.8 metres.

Site Description

The site is within defined settlement limits and the surrounding area is characterised by dwellings of

varying ages and designs.

History

H14-1485-07

Full - Proposed single-storey extension to rear of dwelling and alterations - Approved - 21 December 2007.

Consultation Responses

Pinchbeck Parish Council

Support.

Planning Considerations

Principle of development

The proposal is for residential development on residential land within defined settlement limits, therefore the principle of development on this site 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 commensurate with the size of the plot. Due to the nearby boundary treatment there is not considered to be an impact on visual or residential amenity, nor the character and appearance of the area. The shed is well shielded despite it's proximity to the frontage boundary.

2. The shed is well constructed with the entrance sited facing the property.

3. The proposal does not maximise the use of sustainable material and resources.

4. The proposal has not been sited on an existing parking area, and space to park vehicles is retained, therefore access and vehicle generation levels will not be affected. It is therefore considered that the proposal accords with SELLP Policy 36 and Appendix 6.

5. The proposal will not impact existing community services and infrastructure.

6. Neighbouring land will not be impacted by noise, odour, disturbance or visual intrusion by virtue of the neighbouring 2 metre high hedging. Conditions will be added to limit the use of the shed to domestic use and maintain the hedging at a minimum of 2 metres in height.

7. The proposal is not considered to impact sustainable drainage and flood risk. The existing drive is made of permeable materials.

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

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

The proposal is considered to accord with SELLP Policy 2.

Conclusion

The proposal accords with Policies 1, 2, 3, 36 and Appendix 6 of the 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.