

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-1102-19 **Applicant:** D Suddaby
Proposal: Residential development
Location: 76 Six House Bank West Pinchbeck Spalding
Terminal Date: 9th January 2020

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 & 14 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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is effectively an application for a renewal of the previous outline permission (with all matters reserved) for residential development on land at 76 Six House Bank, West Pinchbeck. The indicative plan shows three two-storey dwellings sited to the north and south of the host property, however, this application is merely to assess the principle of development on this. Previous outline permission was granted for this site under reference H14-0976-16.

Site Description

The proposal sites are within the defined settlement limits of West Pinchbeck with residential development to the north and west and open arable fields to the south and west.

History

H14-0342-83

Outline - One dwelling - Approved - 27 June 1983

H14-0744-13

Full - Rear 24 to 76 Six House Bank - Change of use from agricultural land to garden ground - Approved - 16 December 2014

H14-0626-16

Full - Alterations and Extensions to form an independent annexe - Approved - 22 August 2016

H14-0976-16

Outline - Residential development - Approved (at committee) - 08 February 2017

H14-1112-16

Condition Compliance - Details of roof tiles (Condition 4 of H14-0626-16) - Approved

Consultation Responses

LCC - County Highways & SUDS Officer

No objections - Has requested surface water, access and utility informatives.

SHDC - Environmental Protection Officer

No objections.

Pinchbeck Parish Council

Support.

Member of the public - 1 objection

- Principle of Development
- Flood risk and drainage
- Residential amenity
- Proximity to highway
- Overlooking

Planning Considerations

Principle of development

The principle of development in this location is considered to be acceptable. The site is within defined settlement limits and there is established development in the vicinity to the north and east.

Flood Risk and drainage

All drainage matters will be addressed by a full drainage strategy condition. Dwellings would be constructed 300mm above ground level with a further 300mm of flood resilient construction.

Residential amenity

The plots are considered to be generous enough to allow for an acceptable level of garden space for the properties to the rear. The final design would be assessed under a reserved matters application.

Proximity to highway

Whilst the submitted design is indicative only there are a large number of properties on Six House Bank with the principal elevation sited close to or immediately adjacent the pavement / highway. Should this be the case at the reserved matters stage it would not be considered to set a development precedent. It is considered that the committee report H14-0976-16 is inaccurate as it does not accurately reflect the situation immediate to the site where there are some properties in close proximity to the highway.

Overlooking

There are a large number of properties sited opposite each other along Six House Bank. A determination would need to be made at the reserved matters stage whether the separation distance was considered acceptable once a final design is submitted.

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.

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.