

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0215-23 **Applicant:** A Bates

Proposal: Residential Development - Erection of 5 Dwellings - approved under H16-0980-22. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Off River Bank/Cradge Bank Spalding

Terminal Date: 1st May 2023

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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a section 73 modification to alter condition 2 of H16-0980-22. The alteration is for the addition of porches to plots 4 and 5 as well as the change from Vandersanden Flemish Antique brick to Ibstock Bexhill Red brick for plots 4 and 5. The porches will be joined. The structure's width will measure approximately 4700mm (width) by 1463mm (depth), with a maximum height of approximately 3675mm. The porch will be mono-pitch, with an eaves height of 2800mm.

The original permission was for the erection of 5 dwellings on the land between Cradge Bank and River Bank in the Little London area of Spalding. This was a resubmission of a previously approved planning application for a proposed residential development of 5 dwellings (ref. H16-0239-22).

Site Description

The application site lies between River Bank and Cradge Bank within the defined settlement of Spalding, as outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The land is presently a commercial yard. There is a mixture of development in the vicinity of the site, with no distinct pattern of use in the area. There are existing residential uses to the east and west side.

History

H16-0980-22 - Full. Residential Development - Erection of 5 Dwellings (re-submission of H16-0239-22). Approved 01/12/22.

H16-0239-22 - Full. Residential Development - Erection of 5 Dwellings. Approved 16/06/22.

H16-0537-07 - Outline. Residential Development. Approved 11/01/08.

H16-1682-06 - Outline. Residential development. Refused 31/01/07.

H16-1630-05 - Outline. Re-development of existing site for residential use. Approved 13/07/06.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, scale and design

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 proposed addition of a joined porch would not appear out of keeping with the area. The brick work will match the host property, making it appear well blended into the property. The size and bulk of the proposal would be in line with the host dwelling. The proposed porches are therefore acceptable in terms of design and scale.

The change in the brick face will create no significant changes to the design of the property. Ibstock Bexhill Red is extremely similar in appearance to the previously approved brick work, reducing the impact upon the property.

The proposal therefore accords to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts 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.

There is sufficient distance between the proposed porch and any neighbouring properties for there to be no additional overshadowing. There will be no windows on the proposed porch, meaning there will be no additional overlooking. The typicality and small scale of the proposed works means that the porch will not have an overbearing effect.

The proposal therefore accords to Policies 2 and 3 of the SELLP.

Planning Balance

The proposed porch will have no significant impact upon the character of the property. The alteration will not create any additional overshadowing, overlooking and will not appear overbearing.

The proposed change in brick work will also have no significant on the character of the area. The change in brick type will have a minimal appearance on the aesthetics of the property.

The planning balance is therefore in favour of the proposal.

Conclusion

The recommendation is for 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.