

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0902-19 **Applicant:** Kier Living Ltd

Proposal: Residential development comprising 286 dwellings (outline permission H16-0578-01) - approved under H16-0716-13 - Amendment to add footpath link to Tyne Close

Location: Wygate Park Spalding

Terminal Date: 4th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

CASE OFFICER ASSESSMENT

Proposal

This application is seeking to amend the approved plans for residential development comprising 286 dwellings (outline permission H16-0578-01) approved under H16-0716-13. The amendment is to add a footpath link between Tyne Close (existing) and the 34 dwellings due to be built to the south/south-east (as approved under H16-1117-18). A pedestrian access point on the northern boundary of that site from Tyne Close is required by Condition 15 to ensure that there is access from existing properties to open space within the site.

Site Description

Wygate Park is a residential development built by a combination of developers. The applicant (Kier Homes Ltd) has full planning permission to build 34 dwellings to the east of Wygate Park Academy. The pedestrian footpath would be located opposite 84 Tyne Close to gain access to these new dwellings and associated open space further east.

Relevant Planning History

H16-1117-18 - Hybrid Application: Full Planning Application for 34 Dwellings and Associated Infrastructure together with an Outline Application for a Community Hall and Car Park (approved March 2019)

H16-0716-13 - Residential development comprising 286 dwellings (outline permission H16-0578-01) (approved March 2016)

H16-0578-01 - Outline planning application for the erection of residential estate development, including community centre, public open space/footpaths/cycleways (approved 6 November 2003)

Consultation Responses

N/A.

Planning Considerations

The provision of a footpath in this location is a minor amendment. It would not fundamentally alter the design of the development nor would it result in harmful overlooking - The proximity to dwellings would be the same as the existing pavement further west along Tyne Close. The proposed footpath is necessary to facilitate the pedestrian link between Tyne Close and the open space to the east.

Conclusion

Overall, it is considered that the proposed amendment satisfactorily complies with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission, and as such is acceptable as a Non-Material Amendment.

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.