DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0296-20**	**Applicant:**	**Highgrove Homes (Spalding) Ltd**
Proposal:	Residential Development - 3 plots - approved under H22-0645-18. Modification of Condition 6 relating to footpath.		
Location:	Adj. 575 Broadgate Weston Hills Spalding		
Terminal Date:	8th June 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was granted in August 2018 for the erection of 3 dwellings on the site under application ref H22-0645-18.

Condition 6 of H22-0645-18 requires the construction of a 1.8 metre wide frontage footway prior to occupation of any of the dwellings.

The applicant is seeking to reduce the width of the footway required to 1.2 metres.

Site Description

The site is currently part of a wider agricultural field which fronts onto Broadgate. This field extends to the north and to the rear. 575 Broadgate is located to the south. There is a row of frontage dwellings opposite which extend around 90 metres further north than the site. The land immediately to the north of the site benefits from reserved matters approval for 4 dwellings (H22-0039-20).

The northern, eastern and western boundaries are currently open.

History

H22-0304-20 - Non-Material Amendment application - Erection of 3 dwellings - approved under H22-0042-20. Amendment to layout of Plot 2 (approved April 2020).

H22-0042-20 - Reserved matters application for erection of 3 dwellings - Outline approval H22-0645-18 (approved March 2020).

H22-0645-18 - Outline application for residential development - 3 plots (approved August 2018).

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

There is an extant planning permission (H22-0645-18 and H22-0042-20) for residential development of the site. The key matter for consideration is, therefore, whether the reduction in the width of the frontage footway would be acceptable.

The Highways Authority have not objected to the application and it is considered that the provision of a 1.2 metre wide footway to serve the small number of dwellings proposed (three) would be adequate. The footway would be private, which the Highways Authority are agreeable to.

The proposal is therefore considered to be in accordance with Policy 2 of the South East Lincolnshire Local Plan (2019) which requires satisfactory access to be achieved, as well as Section 9 of the National Planning Policy Framework (2019) which states it is should be ensured that safe and suitable access to the site can be achieved for all users.

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.

Conclusion

Taking the above into account, the proposed amendment to Condition 6 of H22-0645-18 is considered to be in accordance with Policy 2 of the South East Lincolnshire Local Plan (2019) as well as Section 9 of the National Planning Policy Framework (2019) with regard to ensuring safe access.

The recommendation is therefore for a delegated approval.