

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0731-19 **Applicant:** Broadgate Homes
Proposal: Erection of 6 dwellings (details of layout) - outline approval H22-0218-16
Location: Pinfold Lane Weston Spalding
Terminal Date: 30th November 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application relating to outline approval H22-0218-16 for the development of 6 dwellings off Pinfold Lane, Weston. The application is seeking approval of the layout only.

Details of layout, scale, appearance, access and landscaping were previously approved under ref. H22-1219-17, but the applicant is now seeking to amend various aspects of the layout as below:

- The dwelling, garage and driveway to Plot 3 to move eastwards within the plot;
- The private pumping station shown previously to be upgraded to an Anglian Water fully adopted pumping scheme. Its full size is now shown together with details of the compound enclosure; and
- The railings along the southern boundary to be moved slightly along its whole length.

Site Description

The site is paddock land located to the rear of frontage properties on High Road. The site is approximately 70m down Pinfold Lane (which is a narrow road) from High Road. The majority of existing dwellings in the area are large detached properties set within relatively spacious plots. There are mature trees along the eastern boundary which separates the site from two dwellings to the east. The other three boundaries are demarcated by fencing. The site is separated from the properties to the south by a narrow track to no's 4 and 5 Pinfold Lane. There is an IDB maintained watercourse on the north-western boundary.

History

H22-1219-17 - Reserved matters application (all reserved matters) for the erection of 6 dwellings - outline approval H22-0218-16 (approved April 2018)

H22-0218-16 - Outline application for residential development - 6 dwellings (approved November 2016)

Consultation Responses

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

Planning Considerations

The key issues to be considered in this instance are whether the proposed changes set out above are acceptable in planning terms.

Moving the dwelling eastwards within Plot 3 would reduce the separation distance to the property to the east from 9m to 7.8m. The dwelling in its new position would be approx. 3.9m from its boundary. This is a satisfactory separation distance.

In addition to the above, it is proposed that the railings at the southern part of the site be relocated approx. 0.6m nearer the boundary than previously. This would have no discernible impact and is therefore acceptable.

The private pumping station is proposed to be upgraded to an Anglian Water pumping scheme. No concerns are raised regarding this.

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 into account the above, the proposed changes are considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.