DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0290-21**	**Applicant:**	**Mr G Foreman**
Proposal:	Erection of 3 dwellings - outline approval H23-0701-17 (allowed on appeal)		
Location:	Adj. 6 Orchard Close Saracens Head Spalding		
Terminal Date:	21st May 2021		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for 3 no. dwellings (ref. H23-0701-17), which was allowed on appeal. Reserved matters approval is now sought for 3 no. 4 bed houses.

Site Description

The site (approximately 0.13ha) is currently vacant but was previously occupied by a dwelling. Open fields are situated to the north, garden associated with No. 6 Orchard Close to the east and residential properties to the south, including no. 7 Orchard Close which has a blank gable end facing the site. Garden associated with Jade (house) is situated to the west.

History

H23-1273-16 - Outline - Residential development (2 houses and garages), 6 Orchard Close, Saracens Head - Granted 8 February 2017.

H23-0701-17 - O/A - Residential development - 3 dwellings - Refused 17 October 2017. Allowed on appeal 5 April 2018.

Consultation Responses

Whaplode Parish Council

Our previous stance is unchanged.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

Resident objections/comments received (summarised):
Overlooking/lack of privacy.

Planning Considerations

The principle of 3 dwellings on the site has already been established by virtue of the outline planning permission (ref. H23-0701-17), which was allowed on appeal. This application is therefore to assess the reserved matters, namely, details of access, appearance, landscaping, layout and scale.

The Inspector's decision indicated that "the site is sufficiently sized to be able to accommodate the proposed development, allowing for access and private garden space, without appearing cramped or the buildings too close together ... I do not agree that the proposed development would be harmful in visual or character terms".

This application is for 3 no. 4 bed houses to be constructed in Wienerberger Olde Farndale Multi bricks with a Wienerberger Lindum Dark Grey roof. The spacing and scale is considered acceptable. Landscaping/tree planting is proposed. The properties are consistent with the Inspector's comments above. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, the Inspector indicated that although there would be some additional noise and disturbance to neighbours it would not be such as to justify refusal, bearing in mind also the site's proximity to the A17.

On the matter of privacy, the Inspector concluded that "close boarded fencing and landscaping along abutting garden boundaries as well as the placement of existing buildings is such that overlooking from either vehicles or the new dwellings themselves would unlikely have an adverse effect on privacy". The submitted layout plan is similar to the indicative plan submitted at the outline stage. The properties have first floor bedroom and landing windows facing gardens to the south, including no. 7 Orchard Close, which have high Lleylandii along the majority of the common

boundary. The property on plot 3 has a kitchen and secondary lounge window at ground floor level on its western elevation and an ensuite (obscure glazed) at first floor level facing garden associated with the property known as "Jade". 1.8 metre high close boarded fencing is proposed along that boundary.

Taking into consideration the Inspector's comments, it is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to the proposed boundary fencing. The proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

The dwellings include single garages, plus gravelled parking areas. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway safety/parking grounds.

In terms of flood risk, finished floor levels would be set at approximately 300mm above existing average ground levels.

Foul water would be discharged to an existing mains sewer and surface water to soakaways at the front and rear.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. The are no significant factors in this case that indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.