

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0512-19 **Applicant:** Optimal Homes Ltd
Proposal: Erection of dwelling - re-application of H01-0053-18
Location: Adjacent: 5 Stone Gate Cowbit Spalding
Terminal Date: 18th July 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for the erection of a dwelling and is a re-application of H01-0053-18. The proposal seeks to provide single storey dwelling and detached single garage. The dwelling shall contain two bedrooms, a bathroom, utility, lounge and a kitchen. Brick will be Flemish Antique with Crest Anthracite concrete tiles.

No element of the application is subject to change, save for the garage, which will be reduced from 5.57 metres by 5.57 metres to 5.57 metres by 3.56 metres, as well as see the orientation of the roof pitch amended. In line with the Flood Risk Assessment, finished floor levels will be sited at 500mm above existing ground levels. The existing dwelling and proposed bungalow will be served by a shared access.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H01-0391-89

Mobile home - Approved - 29 June 1989

H01-1054-05

Erection of detached dwelling - Refused - 26 September 2005

H01-0562-11

Outline - Residential development - erection of dwelling to include shared access which will also serve 5 Stonegate - Approved - 12 September 2011

H01-0090-12

Reserved matters - Erection of detached dwelling to include shared access with 5 Stonegate (outline application H01-0562-11) - Approved - 20 April 2012.

H01-0769-16

Outline - Residential development - Approved - 05 December 2016

H01-0053-18

Reserved matters - Erection of dwelling - Approved - 12 March 2018.

Consultation Responses

Members of the public

Regrets loss of trees
Believes proposed landscaping scheme is not substantial enough

Historic Environment Officer

Made ground sealed any potential archaeological finds. Recommends that no further archaeological input is required.

Environmental Protection Officer

Suggests options to deal with assessing contaminated land given that the developed has already commenced under the permission from the reserved matters application of H01-0053-18.

County Highways & SUDS Officer

Requests standard access and utility informatives.

South Holland Internal Drainage Board

Provide surface water drainage guidance.

Cowbit Parish Council

No objections.

Planning Considerations

Some of the non preserved trees toward the rear of the site had to be removed to facilitate the relocation of the garage for improved foundational stability. This is not considered to materially impact the overall character of the development.

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.