

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-1132-20 **Applicant:** Mr J A Fitt

Proposal: Residential Development - 2 plots - approved under H06-0296-17.
Removal of Conditions 10, 11, & 12 relating to repairs to the building.

Location: The Forge Main Road Gedney Drove End

Terminal Date: 8th February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The site has planning permission for 2 no. 3 bed houses with accommodation on the first floor to address flood risk (ref. H06-0296-17 and H06-0259-19). This application is to remove conditions 10, 11 and 12 relating to existing outbuildings within land outlined in blue on the approved plans. The houses are practically complete.

Site Description

The site, a former blacksmiths, is situated on the junction of Main Road and Dawsmere Road. A house (former public house - The Wildfowler on the Wash) is situated immediately to the west and a

bungalow to the north. Residential properties are also situated opposite.

Relevant Planning History

H06-0296-17 - O/A - Residential development (2 plots) - Granted 19 June 2017.

H06-0106-19 - C/C - Details of Protected Species Survey (Condition 13 of H06-0296-17) - Approved 6 February 2019.

H06-0259-19 - RM - Residential Development - 2 plots - outline approval H06-0296-17 - Approved 29 May 2019.

H06-0705-19 - C/C - Details of scheme to deal with contamination (parts i) to iii) of condition 7 of H06-0296-17.

H06-0484-20 - NMA - Residential Development - approved under H06-0259-19. Amendments to Access - Approved 17 July 2020.

Consultation Responses

Parish Council - Supported

LCC Archaeology - No objections

Planning Considerations

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is within Gedney Drove End settlement limit as defined in the South East Lincolnshire Local Plan, 2019. Moreover, development has commenced under permissions ref . H06-0296-17 and H06-0259-19. No objections are therefore raised in principle to 2 no. dwellings.

Planning issues such as character/appearance, amenity and highway safety have previously been addressed and there is no material change of planning circumstance in relation to these matters. The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

The buildings to which conditions 10, 11 and 12 relate are presently within the same ownership as the site. However, they are physically attached to the neighbouring former public house to the west and are probably historically associated with it. The conditions were imposed as a means of retaining and renovating the existing outbuildings in conjunction with the new dwelling on the southernmost plot, and also to protect the amenity of occupiers of the former public house.

However, the applicant has now agreed to sell the buildings to the neighbour and the transaction is awaiting completion subject to approval of this application. This would seem an ideal solution to ensure the future welfare of the buildings and consequently conditions 10, 11 and 12 are no longer necessary in conjunction with the development site.

Planning Balance

The proposal would ensure that the existing outbuildings are retained in conjunction with the former public house, to which they were most likely historically linked. It is in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

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

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.

Recommendation - That the application be approved under delegated powers.