DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0121-22**	**Applicant:**	**Mr D Cook**
Proposal:	Demolition of Sheds		
Location:	Rear Of 38 Fishpond Lane Holbeach Spalding		
Terminal Date:	14th March 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to determine if prior approval is required for the proposed method of demolition and any proposed restoration of the site to the rear of 38 Fishpond Lane, Holbeach, under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

Site Description

The application site was formerly in horticultural use but has been disused for more than a decade, leaving the sheds to fall into a state of disrepair. The site fronts on to both Fishpond Lane and Hunters Close and lies within a residential area that has built up around it over time.

History

No recent history.

Consultation Responses

Public (4 objections/comments received, summarised) -
- Concern regarding disturbance and noise that will be generated by demolition process and future construction of dwellings
- Impact of future residential development on privacy and overshadowing
- Site should be turned into a play area instead

Planning Considerations

This is an application to determine if prior approval is required for the proposed method of demolition and any proposed restoration of the site to the rear of 38 Fishpond Lane, Holbeach, under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). As such, the provisions of the South East Lincolnshire Local Plan, 2019, are not relevant to the determination of this application.

Under the provisions of Part 11, as the building in question is not in a Conservation Area and is not a Listed Building, the proposal is 'development' but is not 'relevant demolition'. As such, it does not require planning permission, but it can be permitted development.

Because permitted development rights have not been removed and the building has not been rendered unsafe by the actions of a person with an interest in the land, the proposed demolition is permitted development, subject to the prior approval by the Local Planning Authority with respect to the method of demolition and other conditions outlined in Class B.2 of Part 11 of the GPDO.

The applicant has submitted details regarding the method of demolition and the proposed restoration of the site. These are deemed to be acceptable. The decision notice for Building Control application ref. DEM-00355-2021 also contains provisions regarding this.

The submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment raises no matters of concern and the requirement for a site notice to be displayed has been satisfactorily complied with.

Concerns raised by residents regarding the future impact of residential dwellings is not a matter which can be considered as part of this application and is for any future application for residential development that may come forward.

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 proposal is permitted development under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).