DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0230-21**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	The implementation of planning permission H09-0332-16 for residential development on land adjacent to Dam Gate, Holbeach, by works to lay out an access road and foundations for a garage.		
Location:	Land Off Damgate Holbeach Spalding		
Terminal Date:	29th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Not relevant.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application for a lawful development certificate as confirmation that works to lay out an access road and foundations for a garage constitute implementation of planning permission ref. H09-0332-16 for residential development on land adjacent to Damgate, Holbeach.

Site Description

The site is greenfield in nature and 8.41 hectares in size. To the south and east the site abuts a watercourse and open fields beyond. To the north the site abuts the rear gardens of development along Fleet Road, Damgate and Greenfields. To the west the site fronts onto open playing fields.

History

H09-0523-20 - Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 H09-0332-16 (approved September 2020)

H09-1081-19 - Modification of 106 Agreement to reduce amount of affordable housing from 33.3% to 25% (Planning Approval H09-0332-16) (undetermined)

H09-0332-16 - Full application - Residential development - erection of 188 dwellings (approved May 2018)

Consultation Responses

Not applicable.

Planning Considerations

This is an application for a lawful development certificate as confirmation that works undertaken constitute implementation of planning permission ref. H09-0332-16 for residential development on land adjacent to Damgate, Holbeach.

The works comprise of activities towards the creation of an access road (digging out and laying of sub-base) and the excavation and pouring of foundations for the garages of Plots 3 and 4 (inspected by Building Control).

The full planning application was approved on 3rd May 2018 with Condition 1 stipulating that development must be begun not later than 3 years from that date. Photographic evidence has been provided which clearly shows these works have taken place, and within the relevant timeframe.

It is considered that the works carried out represent a material start of development, carried out within time.

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

It is considered that the works carried out represent a material start of development, carried out within time. A lawful development certificate can therefore be granted.