DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H09-0335-20** | **Applicant:** | **Mr D Malyon** |
| **Proposal:** | Erection of detached bungalow and garage. | | |
| **Location:** | 97 Hall Gate Holbeach Spalding | | |
| **Terminal Date:** | 18th October 2020 | | |

**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 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

This is a reserved matters application for the erection of detached bungalow and garage - re-submission of H09-0357-19 at 97 Hall Gate, Holbeach. The proposal seeks to provide a single storey dwelling that contains two bedrooms, an en-suite, lounge, bathroom and open plan kitchen / dining area, as well as a detached garage set back to the northern side elevation.

Proposed materials are Ibstock Ivanhoe Cream Facing Bricks and Sandtoft Calderdale Dark Grey Tiles. Windows are white UPVC and rainwater goods are to be black UPVC. The finished floor level of the bungalow will be sited 300mm above existing ground level and will be served by a dedicated access adjacent to the driveway serving 97 Hallgate.

This application differs from the previously approved proposal from 2019 in that the utility room becomes an expanded bedroom and en-suite. In addition the sun lounge area has now become open plan leading to the kitchen. The parking / turning area approved to the front of the property has been removed under the new plan

### Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. An arable field is located to the west, with dwellings to the north and east, and a cemetery to the south.

### History

H09-0178-12

Siting of mobile home for occupation by family member - Approved - 02 May 2012.

H09-1132-17

Residential development - Outline - Approved - 31 January 2018.

H09-1206-18

Residential development (re-submission of H09-1132-17) - Outline - Approved - 11 January 2019.

H09-0357-19

Reserved Matters - Erection of detached bungalow and garage - outline approval H09-1206-18 - Approved - 20 May 2019.

### Consultation Responses

South Holland Internal Drainage Board

The Board has received and is currently processing an application to relax Byelaw 10 for the erection for the demountable fence 1m from the Adopted Watercourse (F37 Holbeach New River), as per the amended plans 3495-19 02D. A decision is due on August 04 2020.

LCC - County Highways & SUDS Officer

No objections

### Planning Considerations

Principle of development

The proposal site is for a new residential property on residential land within the defined settlement limits of one of the largest settlements in the district.

Impact of development

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. There is not considered to be a detrimental precedent set as result of this backland proposal. 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.

South Holland Internal Drainage Board

The acceptability of the development is not dependent on the outcome of the Byelaw 10 relaxation decision, which is due on August 04 2020.

## 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 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.