DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0362-21**	**Applicant:**	**Mr R Taylor**
Proposal:	Erection of dwelling - outline approval H09-0371-18		
Location:	Adj. 4 The Laurels Holbeach Spalding		
Terminal Date:	27th May 2021		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for residential development (ref. H09-0371-18) and reserved matters approval for a 3 bed chalet bungalow with attached garage (ref. H09-0115-19). This application is essentially a renewal of H09-0115-19.

Site Description

The application site comprises of approximately of 0.04 acres and currently forms part of the garden of no. 4 The Laurels fronting Wignals Gate.

There are residential properties on the north and south side of Wignals Gate and there are four dwellings leading off The Laurels to the south-west. Land to the east is currently being developed and forms an access road serving new development at the rear.

History

H09-0371-18 - O/A - Residential development - Granted 22 June 2018.

H09-0115-19 - RM - Residential development - outline approval H09-0371-18 - Approved 1 April 2019.

Consultation Responses

Holbeach Parish Council

No response.

Cllr. F Biggadike

Supported. Compliments the entrance to the "Wignals Wood estate" currently ongoing.

LCC Highways/SUDs

Request conditions/informatives.

SHIDB

If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Public

Resident comments received (summarised):
Request installation of 5 swift nest boxes.

Planning Considerations

The principle of residential development on the site has already been established by virtue of the outline consent (ref. H09-0371-18). This application is therefore to assess the reserved matters, namely:
i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
ii) the means of access to the site;
iii) the landscaping of the site;
iv) other matters such as the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reserved matters approval is now sought for a 3 bed chalet type property to be constructed in

Wienerberger New Multi Red Gilt Stock facing bricks with a Marley Mendip (Smooth Grey) roof. Although existing properties off The Laurels are houses the site is located within an area where existing residential development is generally varied in terms of type, design, appearance, age and external materials. Bungalows are situated further to the west. Taking these factors into account it is considered that the proposed dwelling would not materially harm the character of the area.

The proposed chalet has rear first floor bedroom windows. However, they are some distance from existing houses (nos. 3 and 4 The Laurels) to the south. Overlooking of neighbouring property would be at a distance or oblique. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Vehicular access would be via The Laurels, which is a private roadway. The County Highways Authority raises no objections on highway safety grounds.

Condition 4 of the outline permission indicates that the finished floor level should be at least 300mm above the level of Wignal's Gate on flood risk grounds. The proposal is satisfactory in this respect.

Foul water would be disposed of to the mains sewer. Surface water would be disposed of via crate soakaways at the rear of the site. Soil conditions are suitable for such arrangements.

It has been requested that the proposed scheme include swift nesting boxes. However, this is solely a reserved matters application and no condition was imposed at the outline stage. It is therefore considered unreasonable to insist upon such measures within the framework of this application.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

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