DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0542-19**	**Applicant:**	**Mr I W Login**
Proposal:	Residential development		
Location:	Chapel House Chapel Drove Holbeach Drove		
Terminal Date:	23rd July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
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 and 12 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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for residential development at Chapel House, Chapel Drove, Holbeach Drove. The indicative proposal shows five detached properties to be accessed off Chapel Drove. The rear of the site is adjacent to the B1166. The site is in Flood Zone 1 on the Environment Agency Flood Map and not affected by increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

Site Description

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

History

H09-0421-00

Residential development for frontage plots to Chapel Drove - Refused - 14 December 2001.

Consultation Responses

Environmental Health Technician

Requested completion of a screening assessment form and impose a contaminated land condition. The agent has selected a contaminated land condition.

Historic Environment Officer

Requests scheme of archaeological works condition.

County Highways & SUDS Officer

Has no objections and has requested new access, private road, and engineering standards informatives.

South Holland Internal Drainage Board

Gives drainage advice. A full details of drainage condition would be applied.

Planning Considerations

Principle of development
Indicative layout

The proposal site is within the defined settlement limits of Holbeach Drove so the principle of development on this land is agreeable. The site is comprised of fallow agricultural land, residential garden and dilapidated farm buildings. There is not considered to be material harm to the character of the surrounding area by the loss of these land uses.

The indicative layout, whilst not cramped in nature would be considered to set a negative development precedent. The need for vehicles to pass inbetween dwellings to access the properties to the rear could adversely impact the amenity of future occupants. An informative will be added to

this effect. It is suggested that to frontage properties are accessed from Chapel Drove and an additional two properties from the B1166 to the north of the site. There would not be considered to be any material harm to neighbouring residential amenity provided an appropriate scheme is submitted at the reserved matters stage. If a well designed scheme is brought forward it should materially impact the character of the nearby dwellings or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5 and 12 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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.