DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0783-18**	**Applicant:**	**All Square Properties Ltd**
Proposal:	Demolition of glasshouse and erection of 2 detached dwellings		
Location:	Land East: Kelmar Main Road Holbeach Drove		
Terminal Date:	9th 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, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for demolition of a glasshouse and the erection of 2 detached dwellings at Land East of Kelmar, Main Road, Holbeach. The proposal seeks to provide 2 mirror image two-storey dwellings. The ground floor would provide a cinema room, lobby, water closet, study, plant room, utility, lounge and open plan kitchen / dining / day room area. The first floor of each dwelling would provide four bedrooms, two en-suites and a bathroom. A detached double garage of each dwelling will be adjacent to each other either side of the plot boundary.The proposed building materials are TBS Audley Antique brick (although this is not definite so would be addressed by condition), Vintage Fonce Imerys PAN S tiles with "K Rend" ivory render on the two-storey projection to the front of each dwelling. The proposed materials would be considered to be appropriate for the site. The proposed dwellings are to be raised 300mm above existing ground level with a 1.8 metre high close boarded fence bordering the side and rear boundaries.

The original proposal sought the erection of three dwellings that were not frontage facing, the layout has since been amended to as described above.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by linear development of agricultural buildings and residential dwellings of varying ages and design.

History

None

Consultation Responses

Environment Agency

No comment - "Outside the scope of matters on which the Environment Agency is a statutory consultee."

Holbeach Parish Council

Objects - Contaminated land, proximity to a greyhound sanctuary, lack of public transport provision, believe area is outside local plan.

Environmental Protection Officer

Requests full contaminated land condition.

Environmental Health Officer

No objections.

County Highways & SUDS Officer

Requests a new 1.8 metre wide footway to frontage of site and new vehicular access condition.

Public

Size of plots, foul and surface water drainage. One member of the public objected to three plots but has no comments for the amended two frontage plots.

Planning Considerations

Change of land from agricultural to residential.
Heritage Statement
Proximity to a greyhound sanctuary - Paragraph 182 of the National Planning Policy Framework, 2019.
Contaminated land
Lack of public transport provision
Outside Local Plan
Size of plots
Foul and surface water drainage

There is not considered to be a detrimental impact from the loss of agricultural land on this site. The glasshouses currently on site are not in use, have smashed windows and are considered to be beyond repair. The proposed residential use would help to improve the visual amenity of the surrounding area and as the site is within the defined settlement limits of Holbeach Drove the principal of residential development on this site is agreeable provided a sensible design is brought forward.

With regard to the submitted Heritage Statement, this is considered to address any concerns about potential for archaeological discoveries and the text of the report does not raise any concerns arising during development works.

With regard to the proximity, Paragraph 182 of the National Planning Policy Framework addresses impact on future occupants from existing businesses. The paragraph states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

It is considered that the placing of an informative on the decision notice should adequately inform future occupants of an potentially noise generating business in the vicinity, and that by moving into one of the two approved properties they would do so in knowledge of this fact.

Matters related to contaminated land will be addressed by the condition requested by the Environmental Protection Officer. Noise during construction is a temporary inconvenience, and noise from or to the future occupants would be addressed by the Environmental Health Officer should a complaint be made.

Lack of public transport and the site being outside the local plan are interconnected concerns. The site is within the adopted defined settlement limits of Holbeach Drove under the South East Lincolnshire Local Plan, 2019. Therefore, the site is considered to be in a sustainable location, and matters related to public transport provision are afforded minimal planning weight.

Plot size is considered to be comparable to other dwellings in the vicinity and the SUDS Officer has expressed no concerns with regard to drainage which section 13 on the application form states is to be via mains sewer. Matters relating to landscaping would be addressed by condition.

There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Section 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 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.