DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0806-20**	**Applicant:**	**The Executors of the Late Mr W Hilliam**
Proposal:	Erection of Dwelling		
Location:	23 Jekils Bank Holbeach St Johns Spalding		
Terminal Date:	17th November 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
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Outline application for the erection of a dwelling, with all matters reserved. This application seeks to establish the principle of a dwelling on this site.

Site Description

The application site is a former school play area, located within Holbeach St Johns, which is identified as an "Other Service Centre/Settlement" in Policy 1: Spatial Strategy of the SELLP 2019.

The site has a frontage to the highway and access from it. The land sits within the linear form of the settlement at this point.

History

H09-0397-16. OUTLINE. Residential development - one dwelling. Approved. 16-06-16. This application has expired.

Consultation Responses

Holbeach Parish Council

Support the application.

LCC Highways & SUDS Support

No objection subject to conditions/ informatives.

South Holland Internal Drainage Board

No objection subject to informative.

SHDC Environmental Health

No contaminated land comments.

Third parties/residents

Objection received, raising the following matters:

- Loss of privacy and noise disturbance
- Concerns re site of soak-aways and septic tank.
- Surface water

Planning Considerations

Principle of Development

Policy 1: Spatial Strategy sets out that within such settlements "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill."

Paragraph 3.2.14 of the SELLP goes on to say, that "the settlement boundaries of the Other Service Centres and Settlements allow limited opportunities for residential development largely because the character, appearance and form of the settlements are mainly small in scale and close to the

surrounding designated Countryside. Typically, only small open frontages separate the main body of such settlements from properties detached from their designated settlement boundaries. A significant number of these settlements are linear in form; it is seen as a particularly important function of the settlement boundary to stop further incremental linear extensions. The scale of development opportunities that might arise were a less restrictive approach to be taken would threaten the spatial strategy of the Local Plan to provide for housing in the settlements of greater need and which offer sustainable bases for development of a larger scale."

It is considered that this land is an infill site with a frontage to the road, that is part of the linear form of the settlement. It is therefore considered by officers that the development of this site for one dwelling would accord with the principles of the SELLP and the NPPF.

Highway Matters

It is considered that the site could be developed in a way that would accommodate acceptable access into and from the site, and this is to be controlled by condition.

Matters of detail

Policies 2 and 3 of the SELLP set out criteria for the more detailed assessment of proposals, which would be considered at the time of a reserved matters application, when the details of the design and placement of a dwelling on this site would be considered.

At this time, such details as the form and architectural approach, impact on the street scene, impact on adjoining residents, the proposed levels across the site, foul and surface water drainage, including the placement of the cesspit would be considered. This is also required by condition.

Landscaping

A full landscaping submission would be expected, and is required by condition.

Conclusion

In the light of the above the principle of the development of this land is considered to be acceptable .

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.