DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0819-21**	**Applicant:**	**Loosegate Developments Ltd**
Proposal:	Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. (Change plot 50, extending the rear gardens of plots 51 & 52 and extending a portion of highway)		
Location:	Wignal'S Gate Holbeach Spalding		
Terminal Date:	29th October 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

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

Section 73 application relating to Erection of 77 dwellings and associated works - approved under H09-0872-18.

Modification of Condition 1 to allow amendments to previously approved plans, specifically change plot 50, extending the rear gardens of plots 51 & 52 and extending a portion of highway.

A drainage strategy was submitted as a revision.

Site Description

As host consent. The wider development is well advanced.

History

H09-0188-21. FULL Residential Development comprising 36 dwellings and associated works. UNDER CONSIDERATION.

H09-0113-21. NON MAT AMENDMENT. Erection of 77 dwellings & associated works - approved under H09-0492-19. Amendments to position of kitchen door and window on Plot 2. Approved 16-02-21

H09-1178-19. MODIFIED AGREEMENT. Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC. Approved 25-02-20

H09-0492-19. Erection of 2 dwellings - Amendments to Plots 1 & 2 - Outline approval H09-0326-17.

H09-0436-19. SEC 73 MODIFICATION. Residential development - approved under outline H09-0326-17 - Modification of Condition 13 to allow landscaping completion time frame to relate to each phase. Approved 22-07-19.

H09-0270-19. RESERVED MATTERS. Erection of 12 dwellings (Plots 13,14,15, 20, 21, 26, 27, 67, 68, 69, 76, 77) - outline approval H09-0326-17. Approved 30-05-19.

H09-0872-18. RESERVED MATTERS. Erection of 77 dwellings and associated works - outline approval H09-0326-17. Approved. 04-12-18.

H09-0326-17. OUTLINE. Residential development. Approved 21-08-18.

Consultation Responses

Holbeach Parish Council

No response received.

SHDC Housing Strategy

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No comments.

Planning Considerations

Section 38 (6) sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The purpose of this report is to discuss whether the submitted details are acceptable in order to enable the grant of this application as a modification to the reserved matters referenced. H09-0872-18.

It is considered that the changes are minor in nature and would not impact upon the wider development or the technical details of the proposals.

Conclusion

Approve.

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.