

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0841-19 **Applicant:** Mr & Mrs R Kent
Proposal: Erection of dwelling - Outline approval H09-0055-18 (re-submission of H09-1223-18)
Location: Low Lane Holbeach Spalding
Terminal Date: 17th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 11. Making effective use of land
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change
 Section 15. Conserving and enhancing the natural environment

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks permission once more for the reserved matters of erection of dwelling at Low Lane, Holbeach, Spalding.

Outline permission was granted under application ref. H09-0055-18. Reserved matters had been approved under application ref. H09-1223-18.

The reason for this re-submission is to reposition the house slightly within the plot, to include an additional bedroom now making it a 3 bedroom dwelling and the inclusion of a new window at first floor on western side elevation. The house reposition and new windows are proposed in accordance with recommendations of Anglian Water and SHDC Building Control. The house has been built but the additional window now proposed has not yet been installed.

Site Description

The site is within the built-up area of Holbeach and its settlement boundaries as set out in the Inset Map of South East Lincolnshire Local Plan, 2019.

The site is narrow and of triangular shape constrained by A17 to the north and Low Lane to the south. There is a public footpath adjacent to the eastern site boundary. A pumping station is further down the road. The cul-de-sac end is a few metres further to the west. Highly mature trees and bushes screen view from A17 to the site. The frontage development beyond the pumping station is a new built residential scheme that was approved by allowing a planning appeal (application ref. H09-0454-15).

History

H09-1223-18 - Erection of dwelling - Outline approval H09-0055-18 - Approved
H09-0055-18 - Residential Development - Approved

Consultation Responses

Holbeach Parish Council

No objection.

SHDC Environmental Protection Officer

No objection.

Lincolnshire County Council as Highways and Local Flood Authority

No objection.

Planning Considerations

In conjunction with 2 no. approved bedrooms on the first floor level, there would one bedroom further measuring 5.92 square metres. The other two bedrooms would have sufficient floorspace after accommodating the additional bedroom.

The house would be repositioned half a metre further away from the pumping station and 1 metre set back further from the highway. The total depth of the house would be marginally reduced by approx. 100 centimetres.

Due to the additional bedroom, there would be one further window than on the previously approved

house. It would be on the eastern side elevation. It is considered that there would not be an overlooking effect from this opening in view of the extensive separation distance with the opposing elevation.

Details about land contamination scheme, landscaping strategy, drainage and foul disposal strategy and acoustic fencing would remain as previously approved.

Conclusion

Taking into consideration the mentioned above, the proposal is considered to be in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and Sections 11, 12, 14 and 15 of the National Planning Policy Framework, 2019.

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.