DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0916-21**	**Applicant:**	**Mr Rahman**
Proposal:	Shed on flat room (retrospective)		
Location:	17 St Johns Street Holbeach Spalding		
Terminal Date:	24th February 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	1	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking retrospective permission for a shed located to the rear of the site measuring 2.8 metres (depth) x 2.5 metres (width) and standing at 2 metres in height.

SITE DESCRIPTION

The host site appears to be a former residential property of a Victorian design, it is an unremarkable site and doesn't particularly contribute to the character of the Holbeach Conservation Area, within which this site sits within, right on the area's southern border. The area itself is largely characterised by residential development and the Car Park to the North. Development is of a mix of eras and

styles, but mostly matching the subject site - there are no listed or non-designated heritage assets within visual range of the site.

RELEVANT PLANNING HISTORY

H09-0299-21 - Proposed Signage - Approved

H09-1417-05 - Replacement of dark brown painted timber windows with dark brown UPVC double glazed windows - Refused

H09-0698-04 - Siting of various fascia signs - Approved

H09-0697-04 - Extension to form store and replacement windows - Approved

REPRESENTATIONS

Holbeach Parish Council

No objections.

Cllr F Biggadike

Supports the Heritage Impact Statement and does not objection given no complaints have been received.

PLANNING CONSIDERATIONS

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

No comments have been received from the Council's Conservation Officer. The proposal is considered to be minor and given the shed is not visible from the public realm it is not considered to result in any unacceptable impact on the character of the Conservation Area.

As such the proposed development would comply with the aforementioned policies on design and impact upon the character of the local area and would have a neutral impact upon the character and appearance of the conservation area.

Impacts upon Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Given the minor nature of the development the scheme does not result in any unacceptable impact on neighbouring properties.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal does not materially harm the character or appearance of the locality or the amenity of nearby residents. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.