DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0193-19**	**Applicant:**	**Mr M Wilson**
Proposal:	Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition		
Location:	Land South East Off Littleworth Drove Lucks Bridge Spalding		
Terminal Date:	23rd May 2019		

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
06	Developer Contributions
11	Distribution of New Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

Sections
2 Achieving sustainable development
4 Decision-making
5 Delivering a sufficient supply of homes
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition.

Site Description

The site area is 0.8 ha, and is rectangular in shape. It is currently vacant land once used for horticulture. The entrance to the site has close board fencing to the sides of existing dwellings, and along the frontage to secure the site. Trees and/or hedges are growing along the boundaries of the site, some of which are of high amenity value. The state of the land is currently overgrown. Two storey detached dwellings front the proposed site with open land to the north and south and agricultural land to the east. South Drove Drain runs to the south west of the site beyond South Drove, while Fantail Mill Drain runs immediately to the east.

History

H16-0621-17. Residential development - 9 x 1.5 storey houses. Approved. 11-01-18.

H16-0787-02 - outline application for 63 dwellings. This was a larger site area and was refused on 27 November 2002 due to being in a countryside location, poor visibility to the south due to the positioning of Lucks Bridge causing a highway safety issue, and on flood risk grounds.

Consultation Responses

None received.

Considerations

Provisions of the NPPF 2019 and the SELLP

As indicated in paragraph 47 of the National Planning Policy Framework (NPPF), 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The gross floorspace of 1000sq m referred to within condition 4 of H16-0621-17 was imposed to provide a threshold concerning the requirement for affordable housing. Paragraph 63 of the NPPF, 2019 indicates that the provision of affordable housing should not be sought for residential developments that are not major developments. The definition of "major" for housing development within article 2 of the T & CP (Development Management Procedure) Order 2010 is 10 or more dwellings, or where the site has an area of 0.5 hectares or more. This site has an area of more than 0.5 ha. However, the Government's Planning Practice Guidance indicates that for the purpose of S106 planning obligations, including affordable housing, only the definition of 10 units or less applies.

Policy 18 of the SELLP indicates that affordable housing should be sought on market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sq m or more) with a requirement of 25%.

As this development is not considered to be a major application, it is not considered that the reimposition of this condition would be reasonable.

Conclusion

Approve.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 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.