DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0662-19**	**Applicant:**	**Mr R Woodcock**
Proposal:	Erection of detached dwelling		
Location:	Off Chaucers Way Spalding		
Terminal Date:	28th August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a detached dwelling on land off Chaucers Way, Spalding. The proposal seeks to provide a two storey dwelling in the garden space of 13 First Avenue, with pedestrian and vehicular access off Chaucers Way. A lounge, water closet, utility and open plan kitchen / dining area will be sited at ground level. Three bedrooms, a dressing area, en-suite and a bathroom will be sited at first floor level. There are no side elevation first floor windows. The rear elevation bathroom will be served by a rooflight. The side and rear of the site will be bordered by a 1.8 metre high timber fence with a 1.2 metre high frontage fence adjacent to the existing access. All surface water would be collected by crate soakaways to the front of the site. Proposed materials of construction would be addressed by condition.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The site is within Flood Zone 3 of the Environment Agency Flood Maps and is not impacted by increased hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels would be sited at 300mm above existing ground level.

History

H16-0366-08

Full - Proposed replacement garage/store - Approved - 27 May 2008.

Consultation Responses

SHDC - Environmental Protection Officer

Requests ground gas protection condition.

LCC - County Highways & SUDS Officer

Requests a standard utility informative.

Planning Considerations

- Principle of development.
- Impact on character of surrounding area.

The proposal site is within the defined settlement limits of Spalding, which is the largest settlement in the district. Therefore, the principle of development on this site is agreeable. Whilst the proposal is located in the residential garden space, it is not considered to represent what is commonly referred to as "backland" development as it accessed off Chaucers Way and broadly sits on a similar line of frontage to other dwellings on Chaucers Way in the vicinity.

The proposed dwelling design does not materially differ from other dwellings in the area. There is not considered to be any material harm to neighbouring residential amenity from overlooking or overshadowing. The proposal sits well in the street scene of Chaucers Way and is not considered to detrimentally impact the amenity of the host dwelling to the rear at 13 First Avenue or the amenity of neighbouring properties. The design, scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.