DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0673-20**	**Applicant:**	**Mr M Yould**
Proposal:	Change of use of land from agricultural to domestic garden for Plots 1-5		
Location:	72 Station Road Surfleet Spalding		
Terminal Date:	2nd November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Change of use of land from agricultural to domestic garden for Plots 1-5.

Site Description

The land involved is a strip of agricultural land.

History

H17-0053-20. FULL. Residential development of 5 no. detached dwellings. Approved 04-06-20.

H17-0149-19. RESERVED MATTERS. Erection of 5 detached dwellings (Outline Approval H17-0563-16). Approved. 04-04-19.

H17-0563-16. SEC 73 MODIFICATION. Residential development - approved H17-0798-15 - Removal of Condition 6 relating to affordable housing. Approved. 09-08-16.

H17-0798-15. OUTLINE. Residential development. Approved. 02-03-16

Consultation Responses

Surfleet Parish Council

Support.

Anglian Water

No response received.

Third Parties

No responses received.

Planning Considerations

Principle

This application relates to land left out of the application site for the wider consent for Residential development of 5 no. detached dwellings. Approved 04-06-20. (H17-0053-20 refers).

Residential amenity

It is not considered that the change of use of this land to be included within the curtilages of the dwellings to be built would have a detrimental impact on existing neighbouring residents.

Water assets

An informative is added, as per the planning consent to which this application relates, to bring to the attention of the developer that If any discharges are proposed in the future to any watercourse then the prior written consent of the Internal Drainage Board shall be required.

Other matters

None raised.

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.