DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0938-19**	**Applicant:**	**Mr & Mrs Ivan Congreve**
Proposal:	Residential development - one dwelling		
Location:	Land To The North Of Sunrise Back Bank Whaplode Drove		
Terminal Date:	13th November 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling, with all matters reserved for subsequent approval. The proposal is a modification of a previous permission (ref. H23-0695-18) in the sense that the width of the site has been reduced .

Site Description

The site (some 0.06ha) is a triangular piece of land located within a residential frontage on the eastern side of Back Bank. A house is located immediately to the north and a bungalow to the south on the opposite side of an agricultural access.

History

H23-0695-18 - O/A - Residential development (one dwelling) - Granted 30 August 2018.

Policies/Constraints

The site is within the settlement limit for Whaplode Drove (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

Consultation Responses

Whaplode Parish Council - Support.

Cllr. Beal - No objections subject to receipt and appraisal of final plans.

SHDC Environmental Protection - No comments.

Planning Considerations

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located within the settlement boundary for Whaplode Drove as defined in the South East Lincolnshire Local Plan, 2019. No objections are therefore raised in principle to the development. Furthermore, the site already benefits from an extant planning permission for residential development.

The site is an infill plot within an existing frontage. It is considered that a single dwelling could be accommodated upon the site without materially harming the character/appearance of the rural locality.

In terms of amenity, a house is located to the north and a bungalow to the south beyond an agricultural access. It is considered that the site could be satisfactorily developed without materially harming the amenity of neighbouring residents in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

The County Highways Authority has previously raised no objections on highway safety grounds.

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The South East Lincolnshire Strategic Flood Risk Assessment (2017) indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test. Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Concerning drainage, surface water would be disposed of via soakaways. Foul and surface water

drainage can be addressed by means of a condition.

Conclusion

The site is located within the settlement boundary for Whaplode Drove as defined in the South East Lincolnshire Local Plan, 2019. No objections are therefore raised in principle to the development. Furthermore, the site already benefits from an extant planning permission for residential development.

The site is an infill plot within an existing frontage. It is considered that a single dwelling could be accommodated upon the site without materially harming the character/appearance of the rural locality. The proposal is satisfactory on amenity and highway grounds.

The recommendation is therefore for a delegated approval.

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.