

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 29 April 2021

(Author: David Grant - Planning Officer)

Purpose: To consider Planning Application H04-0193-21

Application Number: H04-0193-21

Date Received: 24 February 2021

Application Type: FULL

Description: Change of use of cattery/kennels land to residential - retrospective

Location: Lakeview 1 Pinder Lane Donington

Applicant: J King

Agent: J King

Ward: Donington, Quadring and
Gosberton

Ward Councillors: Cllr H J W Bingham
Cllr S C Walsh
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H04-0193-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 The proposal is for a retrospective change of use of cattery/kennels land to residential at Lakeview, 1 Pinder Lane, Donington.

3.0 SITE DESCRIPTION

3.1 The application site is at the bottom of a triangle that forms the site as a whole. The dwelling Lakeview is sited to the north of the proposal site. The site is bordered by 2 metre high fencing to the west and east, with arable land beyond to the east, a pond beyond to the west, with Quadring Road further beyond. The site is partially in Environment Agency Flood Zone 2 but predominately in Flood Zone 3. The site is not subject to increased hazard or flood depth on the 2115 South Holland Flood Risk Mapping.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless

material considerations indicate otherwise.

Policy 2 - Development Management

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H04-0302-81 Use of premises for boarding cats and dogs - Approved 3 June 1981.

6.0 REPRESENTATIONS

6.1 None

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of change of use

7.3 The application site was previously, before the 1981 planning permission for the kennels/cattery, part of the wider residential garden and can be converted back to residential use without any impact on the character or amenity of the site or neighbouring land uses.

7.4 Assessment against SELLP Policy 2 - Development Management

7.5 This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and scale of the site remains unaltered and can be easily incorporated back into the original residential curtilage. The character and appearance of the land will not be altered as no changes are proposed to buildings, landscaping or boundary treatment.
2. The design and orientation of existing sheds and buildings on site remains unaltered.
3. No materials and resources are altered by the proposal.
4. The proposal is not considered to impact the existing vehicle access, increase vehicular movements or impact off road parking provision.

5. Community services and infrastructure will not be impacted by the proposal.

6. The proposal is not considered to impact neighbouring land uses from noise, odour, disturbance or visual intrusion. The site is unaltered and there is not considered to be an intensification of use from the proposal.

7. The site is partially in Environment Agency Flood Zone 2 but predominately in Flood Zone 3. The site is not subject to increase hazard or flood depth on the 2115 South Holland Flood Risk Mapping. Drainage and flood risk will not be impacted by the proposed change of use and no additional development is to occur.

7.6 The proposal is considered to accord with SELLP Policy 2.

7.7 Planning Balance

7.8 Given the considerations set out above the planning balance is in favour of the change of use.

7.9 **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.

7.10 Conclusion

7.11 It is considered that the site can be converted back to use as residential curtilage without any

impact on the character or amenity of the site or neighbouring land uses.

8.0 RECOMMENDATIONS

8.1 Grant planning permission subject to the conditions in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
2016-01
Flood Risk Assessment
Application Form

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

