DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0208-22**	**Applicant:**	**Mr A Kuzmicz**
Proposal:	Conversion of outbuilding into short stay Air B & B		
Location:	11 Malting Lane Donington Spalding		
Terminal Date:	3rd June 2022		

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
09	Promoting a Stronger Visitor Economy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan making.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking permission for a proposed conversion of an outbuilding into a short stay Air B&B at 11 Malting Lane, Donington.

Site Description

The site is situated within the defined settlement limits of Donington, according to Policy 1 of the SELLP, 2019. The detached dwelling is situated along Malting Lane where the pattern of development is characterised as frontage development, with spacious driveways and front gardens with dwellings set back from the road. The properties along this road have long rear gardens.

History

None relevant.

Consultation Responses

Sue Armour, Environmental Protection Officer- No comments or objections.

Local Highway and Lead Local Flood Authority- Does not wish to restrict the grant of permission.

Planning Considerations

The main issues in this case are:
· Principle of development/Policy;
· Character/appearance;
· Residential Amenity;
· Parking Provision/Highway safety;
· Promoting the Visitor Economy;
· Flood risk and drainage.

Principle of development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Donington's Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Donington, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

SELLP Policy 9 specifically relates to the visitor economy. It promotes tourism and visitor development within defined settlement limits which benefits the local economy, visitors and local communities.

Section 6 of the National Planning Policy Framework, 2021, indicates that significant weight should be placed on the need to support local business needs. Paragraph 84 states that planning policies and decisions should promote the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

In this case the proposal involves the re-use of an existing building that is no longer required for its original use (domestic games room). It is small scale and would provide short-term accommodation for those wishing to holiday in the region or looking to stay locally while on business. It is also within the defined settlement limit and is relatively close to facilities. It is a sustainable location for the

proposed use.

The proposal therefore satisfactorily complies with Policies 1 and 9 of the SELLP in locational terms.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposal involves no significant external alterations to the building, which is set well back on the plot and is subservient to the main house. Accordingly, the proposed change of use would not be harmful to the character and appearance of the area and accords with Policies 2 and 3 of the SELLP in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The accommodation only has a single bedroom, bathroom and proposed lounge and kitchen. The development is therefore small scale and low key. Given the separation distances, it is considered that the proposal would not harm the amenity of nearby residents to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of residential amenity.

Parking Provision

Ample parking is available at the front of the host dwelling. LCC Highways has been consulted and considers that the proposal would not result in an unacceptable impact on highway safety. The proposal is compliant with the SELLP Policies 2, 3 and 36.

Promoting the Visitor Economy

This proposal is put forth for use as a holiday let property for accommodation from 2 days and up to 2 weeks. Policy 9 of the South East Lincolnshire Local Plan (2019) states that developments which enrich the tourist provision in the district, within the defined settlement boundaries, shall be approved/encouraged. As this development would enhance the provision of holiday let properties in South Holland and the Donington defined settlement, this proposal is deemed to be fully in accordance with Policy 9 in the SELLP, 2019.

Flooding/Drainage

The site is within Flood Zone 3 on the Environment Agency Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. Moreover, it is not a more vulnerable use. The proposal is considered satisfactory on flood risk grounds and in accordance with Policy 4 of the SELLP.

Foul drainage and surface water would be disposed of to the existing systems on site and would remain unaltered.

Planning Balance

The proposal involves the re-use of an existing building that is no longer required for its original use

(domestic games room). It is small scale and would provide short-term accommodation for those wishing to holiday in the region or looking to stay locally while on business. It is also within the defined settlement limit and is relatively close to facilities. It is a sustainable location for the proposed use.

The proposal would not materially harm the character or appearance of the area. It would not harm the amenity of neighbouring residents to a significantly greater degree than at present and is acceptable on highway safety and flood risk grounds.

The proposal is in general accordance with the overall aims and objectives of Policies 1, 2, 3, 9, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. There are no adverse factors in this case that would significantly and demonstrably outweigh the benefits.

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.

CONCLUSION

The planning balance as set out above is considered to lie in favour of the proposal, subject to a condition restricting occupation to holiday use only. It is therefore recommended that the application be approved under delegated powers.