DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0247-23**	**Applicant:**	**Mr R Lampen**
Proposal:	Proposed Dwelling		
Location:	Land Adj 100 Station Street Donington Spalding		
Terminal Date:	10th May 2023		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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 planning application for a proposed residential dwelling on garage land adjacent 100 Station Street, Donington. This proposal seeks to provide a two storey dwelling. At ground floor level a lounge, a wc, entrance hall, and open plan kitchen / dining and living space. At first floor level, three bedrooms, one en-suites, a landing and a main bathroom will be provided. This brings the total number of bedrooms in the property to three. Proposed materials of construction are red facing brickwork including dentil course detailing at eaves and soldler course above openings, with grey double pantiles for the roof. Finished floor levels are to be set at a minimum of 300mm above the existing ground level on site.

Site Description

The application site is located within Donington, which is identified as a "Main Service Centre" in Policy 1: Spatial Strategy of the SELLP 2019.

The site has a frontage to the A152 but sits close to the roundabout with the A52. The site forms part of the curtilage of no.100 and the proposed dwelling would be situated to the north east of the existing dwelling. Existing development in the area is varied in terms of character.

History

H04-0968-20 - Outline - Erection of Dwelling - Approved 2020

Consultation Responses

LCC Highways/SUDS

No objection.

The proposed dwelling would occupy part of the garden area of number 100 Station Street. The existing, host dwelling would retain its existing vehicle access from Barnes Road and its existing garage, with the proposed dwelling having a new vehicle access onto Barnes Road and two vehicle parking spaces within its curtilage. Although no turning space is to be provided for the proposed dwelling, the host dwelling and many other existing dwellings along Barnes Road have no turning area and the absence of such provision is not considered to be sufficient justification for withholding Planning Consent on highway grounds. Barnes Road has a footway on the site side of the carriageway that would provide safe and suitable pedestrian access to the proposed dwelling. In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

Environmental Protection

No Observations

Planning Considerations

Principle

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 located within the settlement boundary for Donington, as set out in the South East

Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Main Service Centres, such as Donington, development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. In the context of this, the principle of residential development in this location is considered acceptable.

Layout, Scale 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 visual appearance of existing dwellings in the vicinity is varied, therefore it is not considered that the proposed design would materially impact the character and appearance of the area. The proposed materials and scale would be in keeping with surrounding development. The boundary treatment will include 1.8m high close boarded fence to the rear and side with the existing privet hedge to the front and side being retained. Details of the proposed landscaping can be secured by condition.

Finished floor levels would only need to be raised by 300mm as flood risk mitigation, which would have a minimal impact on design/appearance.

Taking the above into account, the external appearance, layout and scale of the proposed dwelling is considered to be acceptable and the proposal in accordance with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Highway Safety and Parking

Vehicle access to the dwelling would be from Barnes Road. The Highway Authority have been consulted and have no objections to the proposal. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable.

Appendix 6 to the Local Plan sets out minimum vehicle parking standards and requires at least 2 spaces for dwellings of up to 3 bedrooms. Two vehicle parking spaces are proposed, with access off Barnes Road. The proposal therefore complies with Appendix 6 in this regard.

Residential Amenity

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

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The proposed north east elevation (front) include three windows to the first floor that face the neighbouring dwelling, however, these windows are not considered to have a detrimental impact upon overlooking as the windows have a separation distance of approx..23m from the side elevation of No.98 Station Street and a separation distance of approx..20m from the front elevation of No.2a Barnes Road and it is tantamount to a normal frontage relationship.

The proposed south east elevation has one proposed first window that faces No.1a Barnes Road, however this window is for a bathroom so will be obscure glazed, therefore the proposed

development will not have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The proposed south west elevation has one proposed first window, that faces No.100 Station Street, however this is a high landing window. There are also no first floor windows on No.100 Station Street, facing onto the new proposed dwelling.

The proposed north west elevation has one proposed first floor window, however, It is considered that the proposed windows will not have a detrimental impact upon overlooking, as No.75 Station Street, side elevation is approx..40m away.

The boundary is well screened to lessen any impact the ground floor windows would have to any neighbouring properties.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site. In this instance, finished floor levels of 300mm above existing ground level would be sufficient as a precautionary flooding mitigation measure. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Planning Balance

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 proposal represents infill development within the settlement boundary of Donington. It is therefore in accordance with Policy 1 of the Local Plan in this regard. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 12 and 14 of the National Planning Policy Framework (2021).

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.