DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0609-22**	**Applicant:**	**Mrs H Burdall**
Proposal:	Erection of 3/4 bed bungalow		
Location:	Rear Of Red Gables 15a Town Dam Lane Donington		
Terminal Date:	17th August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of one 3/4 bedroom bungalow on land to the rear of Red Gables, 15A Town Dam Lane, Donington with all matters reserved. Whilst the application form states that the proposed dwelling would be self-build/custom build dwelling, the applicant is not on the self-build register and therefore this application will assess the proposed dwelling as a private market dwelling.

Site Description

The existing property of Red Gables, 15A Town Dam Lane is a single storey bungalow located on the north-side of the highway with a garden area extending to the rear of the property to the north. The site is bound to the east by agricultural land, dense tree planting to the north and residential properties (Mallards Reach) to the west.

History

H04-1424-00 - Red Gables, Town Dam Lane, Donington - Residential building plot - Refused 2nd March 2001.

Consultation Responses

Lincolnshire County Council Highway Authority
No objections.

Lincolnshire County Council Historic Environment Officer
No objections.

Black Sluice Internal Drainage Board
No objections.

1 letter of representation has been received raising no objections to a single storey property, however, reserves concerns surrounding the layout of the plot and any potential amenity impacts. It is noted that layout is a reserved matter that would be for approval as part of any subsequent application.

Planning Considerations

Principle

The site is located within the settlement boundary of Donington, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as a 'Main Service Centre'. Policy 1 goes on to state that within the settlement boundary of such settlements, 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.

This outline application seeks approval for the erection of one dwelling land to the rear of Red Gables, 15A Town Dam Lane within the residential garden of the aforementioned property. Whilst the application form states that the proposed dwelling would be self-build/custom build dwelling, the applicant is not on the self-build register and therefore this application will assess the proposed dwelling as a private market dwelling. Given the proposed dwelling is within the settlement boundary of Donington and whilst the impacts would be minimal given the scale of development, it would support Donington's role as a Main Service Centre and help sustain existing facilities.

The principle of development is therefore considered to be acceptable in this instance, subject to all other planning matters that would be addressed in this application and any subsequent reserved matters applications. As such, the application is considered to be in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the aims of the National Planning Policy Framework (NPPF, 2021).

Flood Risk and Drainage

The majority of the site is within Flood Zone 1, with the south-west corner of the site within Flood Zones 2 and 3 with no risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). Given that the majority of the site is located within Flood Zone 1, it is considered that a proposal could come forward at reserved matters stage that would result in no detrimental flooding impacts, subject to the layout of the proposed dwelling.

The application states that surface water would be disposed of via soakaway. There are no known permeability issues in this area that would preclude the use of soakaways. No details of foul drainage have been submitted, however, can be secured via a suitably worded planning condition.

Given the above, the proposal (at this stage) is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and the guidance within the National Planning Policy Framework (NPPF, 2021) with regard to their provisions on flood risk and drainage.

Other Matters

As this is an outline application with all matters such as access, appearance, landscaping, layout and scale to be agreed as part of any subsequent reserved matters application. However, the Local Planning Authority has the following observations and considerations for any future reserved matters application.

Lincolnshire County Council Highway Authority initially advised that the applicant would need to demonstrate a minimum access width of 4.1m for the first 10m of the access to allow the passage of two vehicular movements for the host and proposed dwelling. However, this width is not considered to be achievable. Although the existing access is narrow, there is sufficient visibility and room for vehicles to enter and leave without causing queuing or obstruction should they meet other vehicles at the access. Furthermore, the applicant has advised that there will be a wide access place to serve the existing dwelling, Red Gables, which will act as a passing point. Accordingly, Lincolnshire County Council Highway Authority have confirmed that an access could be provided to serve the proposed dwelling that would not result in an unacceptable impact upon highway safety.

Given the site constraints, the character of properties in the immediate area and in order to preserve residential amenity, the Local Planning Authority would not support the erection of property that exceeds single storey in height. Furthermore, as the south-west corner of the site is within Flood Zones 2 and 3, the Local Planning Authority would expect the proposed dwelling to be sited wholly within Flood Zone 1.

Off-street car parking provision should be in accordance with Policy 36 and Appendix 6 of the

adopted South East Lincolnshire Local Plan (SELLP, 2019), including adequate turning space so vehicles can enter the highway in a forward gear.

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 an acceptable form of development within the settlement boundary of Donington. It is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. Furthermore, it is considered that there is scope to bring forward a suitable scheme at reserved matters stage that does not materially impact the character and appearance of the streetscene, residential amenity, flooding and drainage or highway safety.

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

Conclusion

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.