DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0718-22**	**Applicant:**	**Mr & Mrs J Brookes**
Proposal:	Proposed house with parking		
Location:	Adj. Sileni Town Dam Lane Donington		
Terminal Date:	15th September 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

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval for the erection of a one and a half storey dwelling on land adjacent to Sileni, Town Dam Lane, Donington. The proposed dwelling would be constructed of a gable end design in red facing brick and clay roof tiles. The proposal would include the provision of hardsurfacing to the front of the property for off-street car parking.

Site Description

The site currently forms part of the garden area for Sileni, Town Dam Lane and is currently lawned. To the east, planning permission has recently been granted for the erection of six dwellings (H04-0425-22). Directly south-west of the site is the residential property of Sanjomiti, Malting Lane, Donington.

History

H04-0783-17 - Proposed extension and Alterations - Approved 4th October 2017.

H04-0527-15 - Proposed extension - Approved 28th July 2015.

H04-0327-15 - Proposed ground mounted photovoltaic solar panels - Approved 3rd June 2015.

H04-1157-06 - Change of use to B1 (business) Use Class - Approved 27th October 2006.

Other relevant planning history:

H04-0425-22 - Residential Development - 6 Dwellings - Approved 8th August 2022.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

Black Sluice Internal Drainage Board
No objections.

Cllr J L King
"As I mentioned on application H04-0425-22 the entrance and exit is very narrow and could cause visibility issues if the application for 6 dwellings is granted."

Two letters of objection have been received by a neighbouring property raising concerns over the ongoing development on the site and the surrounding area.

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 in this location is considered acceptable.

Scale, Design and Layout

The proposed dwelling would be one and a half storey in appearance and would be constructed to a gable-end design in an 'L' shape. The proposed dwelling would be set back from the highway by approximately 7.2m which would match the neighbouring property of Sileni. The proposed dwelling would be constructed of red facing brick and clay terracotta roof tiles which would be reflective of neighbouring properties in the vicinity - including Sileni.

As the proposed dwelling would be further than 30m from the public highway of Town Dam Lane (approximately 61m), the proposal would not accord with the Private Drives - Waste Vehicle Collection Service Guidance Note. As such, a condition would be imposed on any planning permission granted to ensure details of private refuse collection are submitted and agreed with the Local Planning Authority.

Flood Risk and Drainage

The site is located within Flood Zone 1 with a 'no hazard' risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). As such, the proposal is not considered to result in detrimental flooding impacts. It is worth noting that mitigation measures only require finished floor levels to be raised by 300mm which will be secured by condition.

The application states that surface water would be disposed via soakaway and foul sewage via package treatment plan. The proposed is considered to be acceptable and would be secured via condition.

Impact on Neighbouring Amenity

The neighbouring properties most likely to be impacted upon as a result of the proposed development are Sileni, Town Dam Lane, Sanjomiti, Malting Lane and Plot 1 of planning permission H04-0425-22 (hereafter known as Plot 1).

The proposed dwelling is not considered to result in any detrimental overbearing or overshadowing impacts on Sileni, Town Dam Lane as the closest part of the proposed dwelling, which would be single storey in height, would be approximately 10m south-east of the neighbouring property. Furthermore, the proposal would not result in any overlooking impacts as there are no first floor north-west elevation windows - save for two rooflights which would be approximately 20m from the boundary of Sileni.

The proposed dwelling would be approximately 2.1m from the boundary to Plot 1 and approximately 6.27m from the neighbouring property of Plot 1. The distance to the neighbouring property is considered to be acceptable and would not result in any overbearing or overshadowing impacts - especially considering the roof of the proposed dwelling would slope away from the boundary, which would be a 1.8m high hedgerow and new tree planting agreed under planning permission H04-0425-22.

It is also worth noting that whilst the south-east side elevation of the proposed dwelling would include a first floor window, it would serve an en-suite and a condition would be imposed on any planning permission to ensure it is obscurely glazed. Furthermore, there are no first floor north-west side elevation windows on Plot 1. As such, the proposal is not considered to result in any overlooking impacts on Plot 1 and the amenities of future occupiers of the proposed dwelling are considered to be preserved.

With regards to Sanjomiti, the proposed dwelling would be, at its closest point, approximately 8m from the boundary and approximately 37m to the neighbouring property. Given the distance to the neighbouring property and the dense tree planting along the shared boundary, the proposed dwelling is not considered to result in any detrimental overbearing, overshadowing or overlooking impacts on the neighbouring property or its private rear amenity space.

Overall, the proposed dwelling is considered to be acceptable in terms of impacts on neighbouring amenities and is therefore in accordance with Policies 2, 3 and 30 of the adopted Local Plan (SELLP, 2019) as well as the guidance within the NPPF (2021).

Highway Safety

The proposal incolces the erection of one, three-bedroom dwelling. In accordance with Policy 36 and Appendix 6 of the adopted Local Plan (SELLP, 2019), the proposal should include the provision of two off-street car parking spaces within the curtilage of the dwellinghouse. As shown on drawing number J162-PL 1A, there is adequate space to the front of the property for two off-street car parking spaces that would be accessed via the existing private drive off Town Dam Lane.

Whilst the proposal would see an increase in properties accessing the private drive, its width has recently been increased as a result of planning permission H04-0425-22 and Lincolnshire County Council Highway Authority raised no objections to the proposal.

Overall, the proposal is considered to be acceptable in terms of highway safety and would be in accordance with Policy 36 and Appendix 6 of the adopted Local Plan as well as the guidance within the NPPF, 2021.

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 proposed dwelling is considered to be acceptable in principle and would not result in any detrimental impacts on the character and appearance of the streetscene or surrounding area, would not result in any detrimental flooding or highway safety impacts and would be acceptable in terms of impacts on future occupants. The proposal is therefore considered to be in accordance with Policies 1, 2, 3, 4, 10, 28, 29, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 as well as the guidance within the National Planning Policy Framework (NPPF, 2021).

Conclusion

Approve.

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.