

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H04-0968-20	Applicant:	Mrs M Pikulski
Proposal:	Erection of Dwelling		
Location:	Adj. 100 Station Street Donington Spalding		
Terminal Date:	23rd December 2020		

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 2019

Section 5, 11, 12 in the NPPF (2019).

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	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for the erection of a dwelling, with all matters reserved, on land adjacent 100 Station Street, Donington. This application seeks to establish the principle of a dwelling on this site.

The proposed block plan and indicative floor plan show a bungalow with access and parking off Barnes Road.

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

No relevant planning history.

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. Requests standard highways informatives.

Planning Considerations

Principle of Development

Policy 1: Spatial Strategy sets out that within such settlements as 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."

It is considered that this land is an infill site. It has a frontage to the road and is part of wider frontage development along Station Street. It is therefore considered by officers that the development of this site for one dwelling would accord with the principles of the SELLP and the NPPF.

Flood Risk

The site is located within Environment Agency Flood Zone 1 and is therefore within a sequentially preferable location in flood risk terms. Taking this into account, there is not considered to be any conflict with Policies 2, 3 and 4 of the Local Plan with regard to flood risk concerns.

Highway Matters

It is considered that the site could be developed in a way that would accommodate acceptable access into and from the site, and this is to be controlled by condition/informative. The Highway Authority have raised no objections to the proposal.

Matters of detail

Policies 2 and 3 of the SELLP set out criteria for the more detailed assessment of proposals, which would be considered at the time of a reserved matters application, when the details of the design and placement of a dwelling on this site would be considered.

At this time, such details as the form and architectural approach, impact on the street scene, impact on adjoining residents, the proposed levels across the site, foul and surface water drainage, including the placement of the cesspit would be considered. This is also required by condition.

In principle, it is considered that a dwelling could be accommodated on the site without materially impacting the character and appearance of the area or neighbouring amenity.

Landscaping

A full landscaping submission would be expected, and is required by condition.

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.

Although exact details will not be known until the Reserved Matters stage, it is considered that a dwelling could be accommodated on the site without materially harming the character or appearance of the locality or amenity of nearby residents. The site is considered suitable in flood risk and highways terms. It is therefore considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

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 is in favour of the proposal. The recommendation is therefore for a delegated approval.