

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H23-0768-20	Applicant:	Mr & Mrs D Tointon
Proposal:	Proposed Domestic Store (part retrospective)		
Location:	Off Millgate Whaplode Spalding		
Terminal Date:	9th November 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14 and 15

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a domestic store (6 metres x 5.6 metres) to be used in conjunction with the two dwellings recently approved to the north, which will be occupied by a mother/father and daughter/son-in-law respectively. It would be used mainly for the storage of a lawn mower, etc for ground maintenance. Work has commenced on site.

Site Description

The site is part of a small copse on the eastern side of Millgate on the southern fringe of Whaplode.

Land to the north has planning permission for 2 dwellings (ref. H23-0211-19), one of which is under construction. An access road serving Buttercup Paddock is situated beyond, agricultural land to the east and two dwellings opposite. A bungalow and land associated with Holmlea is situated further to the south beyond a drain.

Planning History

H23-1065-18 - Full - Erection of two detached dwellings - Granted 13 December 2018

H23-0211-19 - Full - Residential development (2 dwellings) - Re-submission of H23-1065-18 - Granted 23 April 2019.

H23-0738-19 - Works to Whaplode Tree Preservation Order No. 8, 2017 - Approved 26 September 2019.

Consultation responses

Whaplode Parish Council - No response received.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - Consent required if applicants' intend to dispose of surface water to riparian watercourse.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues;
- Flood Risk.

Policy/principle

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan, 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan indicates that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

In this case, the proposal is for a domestic store in conjunction with the adjacent dwellings owned by the family. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019

Character/Appearance

The proposed store has been constructed in timber cladding and is set back from the road within existing trees, which would be retained. It is considered that the proposal would not materially harm the street scene or the character or appearance of the locality.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

The proposal would be used solely as a domestic store. There is some separation from nearby dwellings. It would not materially harm the amenity of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, etc.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Ample car parking is available within the curtilages of the dwellings, as well as that proposed in conjunction with the store. A drive and turning area are proposed. LCC Highways has raised no objections on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk

The site is within Flood Zone 2 on the Environment Agency Maps. However, it is within an area of no hazard within the SHDC Strategic Flood Risk Assessment.

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 proposed development is in accordance with Policies 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, 2019.

It is therefore recommended that the application be approved under delegated powers.