DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0779-20**	**Applicant:**	**Mr & Mrs R Gordon**
Proposal:	Change of Use from Garage to Dwelling		
Location:	34 Fen Road Holbeach Spalding		
Terminal Date:	13th 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
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of a detached garage to a 2-bed dwelling.

Site Description

The site is currently occupied by a two-storey garage block with storage space above, which is within the residential curtilage of no. 34 Fen Road (house).

A house (no.36) is located to the south, which has a residential annexe within its rear garden (ref. H09-0498-17). Garden land is situated to the rear (west), which is within the applicant's ownership, and residential plots beyond. A holiday let, also within the applicant's ownership, is situated to the north-west.

Policies/Constraints

Inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019.

Planning History

H09-0031-20 - Full - Proposed garage and workshop and new vehicular access - Granted 22 April 2020

Consultation Responses

Holbeach Parish Council - No objections.

LCC Highways/SUDs - No objections subject to notes.

Environment Agency - Falls within Cell F8 of the Local Flood Risk Standing Advice.

Environmental Protection - No comments or objections.

Public - Resident objection received (summarised):
The plan has always been to apply for a garage and then change it to a dwelling; Inadequate parking for this property, no. 34 (bed & breakfast) and holiday let at rear; Will be very little, if any, parking at rear of no. 34 and only two spaces at the front; Detrimental to highway safety since Fen Road is a very bust road being the main link through from Holbeach to Peterborough and currently has few cars needing to park on the road.

Planning Considerations

The main issues are:
- Principle;
- Character and appearance, including the effect of the development upon Holbeach Conservation Area;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, 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. No objections are therefore raised on locational grounds.

Character and appearance

The building already has permission has a garage block and is therefore an element within the existing street scene. Its conversion to a dwelling would not materially harm the character or appearance of the locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

A house (no.36) is located to the south, which has a residential annexe within its rear garden (ref. H09-0498-17). Garden land is situated to the rear (west), which is within the applicant's ownership, and residential plots beyond. A holiday let, also within the applicant's ownership, is situated to the north-west.

No. 36 has a number of first floor windows facing a blank side elevation of the building. 1.8 metre closeboarded fencing is situated on the common boundary. A rear first floor secondary bedroom window would overlook the neighbouring property. However, this is synonymous to a typical frontage situation. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Concerns have been raised on grounds of inadequate parking and highway safety. In respect of this matter, the proposed dwelling would have sufficient space for the parking of 2 vehicles, as required by Policy 36 of the SELLP. No. 34 would retain parking facilities at the front of the property, plus at the side. There would also be potential for additional parking at the rear of no. 34 if the need arose. LCC Highways have been consulted and have raised no objections on highway safety grounds.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing ground level.

Drainage

Foul water would be disposed of to a public sewer. Surface water would be discharged to a

soakaway, as previously approved in respect of the garage. Ground conditions within Holbeach are considered suitable for the latter.

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 proposal is in a sustainable location for new housing. The building is already an existing feature within the street scene; consequently. it cannot be argued that it would appear cramped and out of character. The proposal would not materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Concerns have been raised on grounds of inadequate parking and highway safety. In respect of this matter, the proposed dwelling would have sufficient space for the parking of 2 vehicles, as required by Policy 36 of the SELLP. No. 34 would retain parking facilities at the front of the property, plus at the side. There would also be potential for additional parking at the rear of no. 34 if the need arose. LCC Highways have been consulted and have raised no objections on highway safety grounds.

The site is sequentially preferable in terms of flood risk.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019.

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