

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0314-22 **Applicant:** Mr S Necker
Proposal: Proposed Dwelling
Location: 29 Station Road Tydd Gote Wisbech
Terminal Date: 18th May 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for the erection of a 4-bay garage with storage above to serve a pair of 3 bed houses currently on plots 3 and 4 in July 2021 (ref. H21-0442-21). Development has commenced. Planning permission is now sought for a 3 bedroom house instead.

Site Description

The site was formerly grassland associated with a bungalow and large "Nissen" type shed. Two pairs of semi-detached houses approved by virtue of planning permission ref. H21-0489-20 have recently been constructed along the site's frontage.

Semi-detached houses are located to the south-east and equestrian related development to the rear of these properties. A row of bungalows is situated to the south-west. Open land is located to the rear (north) and residential properties to the south on the opposite side of Station Road.

Planning History

H21-0489-20 - Full - Demolition of existing bungalow and erection of 2 pairs of semi-detached houses - Granted 12 October 2020.

H21-1090-20 - C/C - Details of external materials, landscaping, site & floor levels, screening along eastern and western boundaries and means of foul & surface water disposal (Conditions 3, 4, 5, 6 & 11 of H21-0489-20) - Approved 4 February 2021

H21-0442-21- Full - Erection of a 4-bay garage with storage above to serve dwellings on plots 3 and 4, 29 Station Road, Tydd Gote, approved under H21-0489-20 - Granted 14 July 2021.

Consultation Responses

Tydd St Mary Parish Council

Object. SHDC granted permission for this building as: H21-044221 Erection of 4 bay garage with storage above to serve the proposed dwellings at plots 3 and 4, 29 Station Rd. This was to help alleviate the existing parking problems and safety issues in Station Road. To give permission to change this parking facility into housing would make a mockery of the application and add to the parking problems. The Parish Council were all too aware that this is exactly what would happen when the original application was received.

The Parish Council were in the process of applying for an enforcement order on this garage development due to the planning conditions not being complied with.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

No comments received.

Planning Considerations

The main issues in this case are:

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

Policy/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 relevant development plan is the South East Lincolnshire Local Plan (SELLP), March 2019, which is up to date. The Authority presently has a supply of housing land exceeding 5 years (8.5 years).

The site is outside Tydd Gote settlement boundary as defined in the SELLP). It is therefore within an area regarded as countryside.

SELLP Policy 1 indicates that development in the countryside 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.

Policies 2 and 3 of the SELLP, amongst other matters, seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Addressing the first element of Policy 1, it has not been demonstrated that a dwelling is necessary in this location; for example, in conjunction with agriculture or other rural based business.

Concerning the second element, the relevant factors are addressed below.

An Economic Role - It is accepted that the development would result in an economic benefit to the construction industry, although this would be temporary in nature. There may also be potential local employment opportunities associated with the construction.

It is also recognised that future occupants may work locally, support local services and therefore make a contribution to the local economy. Overall, however, it is considered that there are no significant long term economic benefits resulting from the construction of a dwelling in this location.

A Social/Community Role - The site is accessible to local services and facilities within the village. It is also recognised that the proposal would contribute to meeting the housing requirement in an area, and that small sites are often built out more quickly than larger sites. However, the contribution would not be significant, and the Authority presently has a supply of housing land exceeding 5 years (8.5 years).

An Environmental Role - With the exception of nos. 7 and 9 Station Road further to the west, which are situated on very large and spacious plots reflective of a countryside location, existing residential development off Station Road is predominantly frontage with associated outbuildings at the rear. The site presently has permission for a garage block in associated with plots 3 and 4 along the frontage, which reflects the existing rural character of the village.

The proposal, which is served off a long private drive that fails to accord in design terms with the Authority's guidance note entitled "Private Drives - Waste Vehicle Collection Service", would result in the erection of a new dwelling beyond the existing settlement into an area defined as countryside within the SELLP. It would constitute an intrusive and inappropriate form of development that would urbanise, domesticate and significantly harm the rural character and appearance of the locality.

The proposal therefore fails to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Residential Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Semi-detached houses are located to the south-east and equestrian related development to the rear of these properties. A row of bungalows is situated to the south-west. Open land is located to the rear (north) and residential properties on the opposite side of Station Road opposite the vehicular access.

Planning permission has been granted for a garage block/domestic store in this location served by a gravelled private driveway (H21-0442-210). The dwelling would have dormer (bedroom) windows on its front elevation, plus rooflights serving ensuites. Two rooflights serving the staircase area would be positioned on the rear elevation. However, there is a degree of separation from neighbouring dwellings. It is considered that the proposal would not harm the amenity of nearby residents to a significantly greater degree in terms of overlooking, lack of privacy, overbearing effect, overshadowing, 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

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Plots 3 and 4 are 3 bed semi-detached dwellings and have provision for 2 car parking spaces along their frontage. The site the subject of this application has more than satisfactory parking facilities. Vehicular access would be via the existing private gravelled private roadway. Concerns have previously been expressed over vehicles having to reverse out onto Station Road if meeting along the private driveway. However, this would be infrequent due to the low level of vehicle movements associated with a domestic use. In such an event, a large turning area is available for use, which could be used for the manoeuvring and turning of vehicles. LCC Highways have been consulted and have 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 terms of highway safety/parking requirements.

Flood Risk

The site is within Flood Zone 1 on the Environment Agency Maps and within an area of no hazard within the SHDC Strategic Flood Risk Assessment. There are therefore no flood risk issues in this case.

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 site is outside Tydd Gote settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. It is therefore within an area regarded as countryside. SELLP Policy 1 indicates that development in the countryside 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.

It has not been demonstrated that a dwelling is necessary in this location; for example, in conjunction with an agricultural or other rural based business. Moreover, although there would be some economic and social benefits, they are outweighed by the environmental harm that the proposal would cause.

The site is not therefore considered to be a suitable site for housing with regards to the principles of sustainable development and the protection of the rural character of the countryside. It is not in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan. Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses and ensuring good design. These policies are in accordance with advice within the National Planning Policy Framework, 2021.

In this case, therefore, the adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and National Planning Policy Framework taken as a whole.

Conclusion

For the reasons outlined above it is recommended that the application be refused under delegated powers.

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.