

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H21-0442-21 **Applicant:** Mr S Necker

Proposal: 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.

Location: 29 Station Road Tydd Gote Wisbech

Terminal Date: 14th July 2021

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
 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	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the erection of a 4-bay garage with storage above to serve a pair of 3 bed houses currently under construction on plots 3 and 4 approved under planning permission ref. H21-0489-20.

Site Description

The site was formerly grassland associated with a bungalow and large "Nissen" type shed. Semi detached houses approved by virtue of planning permission ref. H21-0489-20 are currently under construction along the site's frontage.

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

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

Consultation responses

Tydd St Mary Parish Council

Council has several concerns over this development

Highway safety: The roadway to the garages is only single vehicle width which could lead to hold ups in traffic on Station Rd which currently has speeding and accident issues under investigation.

Noise: A gravelled roadway running so close to the neighbouring property would have major impact on the residents use of their amenity. Council recommend that should this application be granted a tarmacked roadway be a stipulated condition.

LCC Highways/SUDs

No objections subject to informatives.

Environmental Protection

No comments or objections.

Public

Objections/comments received (summarised):

Access road not wide enough for 2 cars to pass safely; Highway safety issues; Lights shining in windows during darker months; Noise/disturbance from vehicles and gravel cause health issues; Unnecessary; Could be converted to dwelling at a later stage; Tree planting close to boundary cause structural issues; No gates in fence that has been erected; Where are garages for plots 1 and 2.

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 garage block in association with the pair of 3 bed semi-detached houses under construction on plots 3 and 4 along the frontage. 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

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The garage block would have a length of 17 metres and width of 6.3 metres approximately, with a height of some 5.7 metres. It would be constructed in brickwork and roofing tiles to match the dwellings presently under construction. It would be set back from Station Road and would be subservient to the frontage semi-detached houses in terms of height. 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

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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

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

The proposed building would be used solely as a garage block/domestic store. This is a low key use, plus there is a degree of separation from neighbouring dwellings. Although the driveway would be constructed in gravel, which is noisier than a hard surface, the number of vehicle movements would be infrequent. The common boundary between the site and no. 27 to the west has been delineated by a 1.8 metre high closeboarded fence, which would alleviate noise generated by vehicles using the driveway. Taking these matters into account, it is considered that the proposal would not materially harm the amenity/health of nearby residents in terms of overbearing effect, overlooking, lack of privacy, noise and disturbance, light pollution, 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 have 2 car parking spaces along their frontage. The proposal would provide additional undercover parking. Vehicular access would be via a gravelled private roadway, which should include a 2 metre hardsurfaced apron at its entrance. Concerns have 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 vehicles movements associated with a domestic use. In such an event, a large turning area is available for use immediately in front of the garages, which could be used for the manoeuvring and turning of vehicles.

LCC Highways have been consulted and have indicated that the new access arrangements meet the guidelines as set out in "Manual for Streets" and that adequate provision has been made within the site to allow vehicles to turn so they can enter and leave in a forward gear. Therefore, it is considered that the proposals would not result in an unacceptable impact upon highway safety.

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 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.

Other Matters

Objections have been raised on grounds that it is unnecessary. However, the application states that it is for a domestic garaging, which the plots do not currently have. Consequently, there is a preferred need.

Concerns have also been raised that no application has been submitted for plots 1 and 2 and that the proposal may lead to a further application for a dwelling. These matters can be taken into consideration during determination of this application. Any future applications would be assessed on their own merits.

It has also been noted that planting has been undertaken and that it isn't in accordance with the approved plans. This is not something that can be controlled since planting along does not constitute development.

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 garage block is acceptable in locational terms. It would not materially harm the character or appearance of the locality, or amenity of nearby residents in terms of issues such as lack of privacy, overlooking, overshadowing, noise and disturbance, etc. LCC Highways have been consulted and raise no objections on highway safety grounds.

Taking into consideration these factors, the proposal satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

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 lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.