DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0537-23**	**Applicant:**	**A Trett**
Proposal:	Erection of 3 bed dwelling including changes to existing parking area		
Location:	Land West Of 1 East Road Tydd Gote Wisbech		
Terminal Date:	22nd August 2023		

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
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework (2021).

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	0	1
OTHER STATUTORY BODIES	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the erection of 3 bed dwelling including changes to existing parking area.

Site Description

The site is located on the northern side of East Road next to the junction with Main Rd. It is currently occupied by a vacant brick built flat roofed office building.

A new pair of semi-detached houses plus a detached house are situated to the east off East Road and thereafter a cottage, bungalow and pair of cottages. Tydd Gote Inn is located to the south on the opposite side of East Road facing Main Road. A drain (Hill's Sluice Outfall) is situated to the north and thereafter the rear of properties fronting Station Road. Properties are also situated on the opposite side of Main Road, including The Old Butcher's Shop. Greyfriar's (grade II listed) is situated some 120 metres to the west off West Road.

History

H21-1250-21

Proposed demolition of existing office and erection of 1 no. 3 bed dwelling. Approved on 17-05-22.

Consultation Responses

Tydd St Mary Parish Council

No objections

Fenland District Council

It is considered that this development will not likely result in undue concerns for FDC. It is noted that there is a proposed new access which may be unacceptable to highways owing to the location on the corner and the other access to the east, but as long as no technical objections are received, there is no objections from FDC.

Looking at Street View it appears that East Road is single track with little pedestrian facilities and there appears a lack of street lighting also. Therefore, it appears that this site is in an unsustainable location away from good infrastructure links i.e. public transport, and therefore occupiers would be reliant on private motor vehicles which is contrary to advice contained within the NPPF.

Any development of this site should conform with South Holland DC Local Plan and in particular the development is appropriate to their development plan policies in terms of residential amenity, highways, flooding, character of area etc.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections. Asks that Highways informative conditions 03 and 08 are imposed upon any approval of this application.

SHDC Environmental Protection

Requests that the standard contaminated land condition be applied should the application be approved/

Lincolnshire County Council Historic Environment Officer

The proposed development is within the historic core of the settlement of Tydd Gote, a settlement which is believed to have been established by the medieval period, however, its origin is largely unknown. It is therefore in an area which may have buried remains from the medieval period onwards. It would be valuable to gain a greater understanding of the nature of the settlement. The proposal to construct a dwelling on the site will include highly intrusive groundworks which will remove any surviving archaeological remains either wholly or in part.
As such evaluation of the site will be necessary to properly assess the impact of the proposed development on any surviving archaeological remains present. This will necessarily have to be undertaken as a condition of consent if permission is granted.

Recommendation:
I recommend that If permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of investigation followed by archaeological mitigation work should it be necessary. This will initially comprise, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 194 and 205

Planning Considerations

Housing policy/sustainability

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 just outside Tydd Gote settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. The latter runs along the northern boundary of the site along the drain. The site is therefore within an area regarded as countryside. It is also within Tydd Gote Conservation Area.

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, 2019 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.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, Section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policy 29 of the SELLP indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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. This would be somewhat limited because of the scale of the development.

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. The contribution would therefore be small scale.

An Environmental Role - The proposal seeks to replace a dilapidated site of a former office structure with a single dwelling. It is the western end of a row of frontage dwellings, including a pair of semis and a detached house recently constructed immediately to the east. Notwithstanding that the site is outside the defined settlement limit the proposal constitutes frontage development within the existing village fabric. Furthermore, it should be noted that whilst the site is situated just outside of the defined settlement boundary, this site should be quite readily considered to represent a form of infill development. The western end of East Road represents a constituent part of the contiguous urban setting of Tydd Gote, and there is an established history of the granting of consent for dwellinghouses at this, as well as adjacent sites in recent years, including under the current policy regime (under planning application reference H21-1250-21). Therefore, there is an established precedent for residential development at this site and this specific setting should be considered to be closely associated to Tydd Gote and it's defined settlement area. This is further established by the fact that whilst this setting is outside of the defined settlement boundary, under policy terms it is still considered to be an integral part of the conservation area for Tydd Gote, which confirms its close relationship to the urban area of the settlement.

The new dwelling would reflect traditional vernacular. It is considered that the new development would not harm the character or appearance of the Conservation Area and would in all likelihood constitute an enhancement over the dilapidated nature of the existing site. It would not affect the setting of Greyfriar's (grade II listed) some 120 metres to the west off West Road. The applicant has sought to make use of UPVC windows and doors. This is typically not permissible in a Conservation Area setting. However, via the planning process, UPVC has become the predominant form of accoutrement material along East Road, and this portion of the conservation area is peripheral to the main body of the conservation area, being situated across the river from the main body of the remainder of the conservation area, meaning that this setting has very little appreciable impact upon the appreciation of the Tydd Gote conservation area at large.

As such, by removing an unsightly feature in the form of the associated office structure and the reuse of a partially derelict site, with a building of moderate attractiveness, the proposal seeks to rid the Tydd Gote conservation area of a detracting and continually unmaintained element. Therefore, this application, in the planning balance, can be considered to assist in enhancing the Tydd Gote conservation area as a heritage asset, in line with the requirements of Policy 29 of the SELLP and Section 16 of the NPPF.

Cumulatively, therefore, the proposal would bring some economic, social and environmental benefits in accordance with Policy 1 of the SELLP and is consistent with Policies 2, 3 and 29 of the SELLP and advice within the National Planning Policy Framework, 2021. The loss of a small builders yard is not considered to be an overriding concern in this case from an economic point of view and is outweighed by factors in favour of the scheme.

Amenity

Policies 2 and 3 of the 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. Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

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.

A new pair of semi-detached houses plus a detached house are situated to the east off East Road and thereafter a cottage, bungalow and pair of cottages. Tydd Gote Inn is located to the south on the opposite side of East Road facing Main Road. A drain (Hill's Sluice Outfall) is situated to the north and thereafter the rear of properties fronting Station Road. Properties are also situated on the opposite side of Main Road, including The Old Butcher's Shop.

The eastern gable facing the pair of semi-detached houses to the east is blank and two windows on the rear projection facing east are associated with a bathroom and en-suite. A bedroom window is located to the rear but this is synonymous to a typical frontage situation in terms of its relationship to the neighbouring dwelling. Overlooking would be oblique and partially blocked by the neighbouring property.
Although the development would block some light to the neighbouring first floor window to the east it only serves a bathroom and not a main habitable room.

In terms of noise/disturbance, the site is close to Main Road where amenity levels are lower and ambient noise levels are higher than average due to traffic noise and general activity.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of sunlight or noise and disturbance. The proposal therefore satisfactorily complies with Policies 2, 3 and 30 in terms of amenity.

Parking/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.

This proposal is for the demolition of an existing office and erection of a 3 bedroom dwelling. Adequate parking and a turning facility have been provided within the limits of the site. LCC Highways consider that the proposal would not result in an unacceptable impact upon highway safety. That said, there will be a requirement to amend the existing access within the limits of the adoptable highway due to its poor condition in accordance with the County Councils Specification. This can be addressed by means of a note.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP, plus advice within the Framework, in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is with Flood Zone 1 as defined within the Environment Agency Flood Maps and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment hazard mapping. The proposal therefore satisfies the sequential test. Although the development is classed as more vulnerable it is nevertheless considered appropriate in this location. Finished floor levels should be set at 300mm.

It is understood that foul water would be disposed of to the mains sewer and surface water to the drain to the north of the site. The latter would remain open and would be more than 9 metres from the dwelling.

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 proposal would bring some economic and social benefits. It would replace an existing utilitarian building and would probably enhance and not harm the character or appearance of Tydd Gote Conservation Area. No objections are raised on amenity, highway safety and flood risk/drainage grounds.

The proposal is therefore considered to be a sustainable form of development that generally accords with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021. There are no adverse matters that outweigh factors in favour of the scheme.

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal and it is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 30, 31, 36 and Appendix 6 of the SELLP, 2019 as well as Sections 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework (2021).

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 xxx 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 xxx 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.