DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0674-20**	**Applicant:**	**Mr J Peggs**
Proposal:	Proposed Dwelling		
Location:	41 Station Road Tydd Gote Wisbech		
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
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 9, 11, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
NORTH LEVEL INTERNAL DRAINAGE	0	0	0	2

BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bed house with shared vehicular access with No. 41 Station Road.

An application has also been submitted to convert an existing garage block further to the rear of No. 41 (ref. H21-0725-20), which is still under consideration.

Site Description

The site is residential curtilage associated with No 41 Station Road (house). It includes an existing access/ driveway and a number of trees, including a Monkey Puzzle further to the rear.

A garage block associated with no 41 is located further to the rear and a chalet bungalow to the east (no. 43), with a high hedge on the common boundary. Residential properties are situated on the opposite side of Station Road.

Policies/Constraints

The site is inside Tydd Gote Settlement Limit and outside Tydd Gote Conservation Area (CA).

Recent History

H21-0725-20 - Full - Proposed garage conversion to dwelling including extension - Still under consideration.

Consultation Responses

Tydd St Mary Parish Council - Supported.

LCC Highway/SUDs - No objections subject to conditions.

North Level District IDB - No comments.

SHIDB - Request further drainage details.

Environmental Protection - No comments or objections.

Public - Resident objections received (summarised):
Multiple errors and omissions within the submitted documents including boundary; Harm character/appearance of the area; Lack of privacy; Extra noise and disturbance; Car lights; Vibration; Extra traffic including construction vehicles; Intensification of use of access which is opposite dwellings with no on-site parking so owners park vehicles on Station Road; Station Road is a narrow fast and unsafe road - proposal will accentuate highway safety issues at access - previous

deaths within 75 metres of this site; Inadequate space to manoeuvre/turn vehicles; Drainage issues; Recommendations within Flood Risk Assessment have not been addressed; No full tree survey undertaken and trees already cleared causing issues for wildlife/protected species such as bats, woodpeckers, owls, hedgehogs, squirrels, etc.

Planning Considerations

The main issues are:
- Principle;
- Character/appearance;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

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 proposed development is inside Tydd Gote Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Tydd Gote, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. In this case the proposal constitutes infill so no objections are raised in locational terms.

Concern has been raised on grounds that the proposal would set a precedent for a further dwelling (garage conversion) at the rear. This is the subject of a separate application (ref. H21-0725-20) and will be assessed on its individual merits.

Character/Appearance

The site is located outside Tydd Gote Conservation Area. There is an eclectic mix of dwellings in this part of the settlement, in terms of age, spacing, building line and design/appearance. A modern chalet bungalow (no. 43) is situated to the east. No. 41, which is also a contemporary property (house), is located to the west and a chalet (no. 39) beyond. A detached house and two pairs of semi-detached Edwardian houses are located opposite.

The proposal is for a 4-bed house would be constructed in TBS Audley Antique bricks with Marley Ashmore roof tiles. It would have stone cills and headers and cream uPVC windows. It would be well spaced and would fit satisfactorily within the street scene. It would not materially harm the character/appearance of this part of the village or setting of the Conservation Area.

It is understood that several trees upon the site have recently been felled. However, the Authority has no control over this matter because the trees were not the subject of a tree preservation order or within the Conservation Area. Although it is proposed to remove existing frontage hedging to improve visibility, it will be replaced.

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

Amenity

A chalet bungalow is located to the east (no. 43), with a high hedge on the common boundary. No. 41 (detached house) is located to the west and a chalet (no. 39) beyond. A detached house and two pairs of semi-detached houses are located opposite.

The only window on the eastern elevation is a first floor en-suite window, which will be obscure glazed. Bedroom windows are located at the rear and front and would only overlook nearby property at an oblique angle or distance. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc.

It is accepted that there would be some additional noise and disturbance generated by additional vehicles and general activity within gardens, etc, as well as constructional work. However, the latter would be temporary. It is considered that there is not sufficient reason to refuse the application on the grounds of noise and disturbance.

Issues have been raised concerning boundaries. This is a civil matter and not a material planning consideration.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity.

Highway Safety

Concerns have been raised by local residents on highway safety grounds. It is accepted that the proposal would result in an increase of movements onto Station Road and it is noted that vehicles associated with properties opposite have to park on the highway.

The applicant proposes to construct a central shared access so as not to increase the number of access points serving the overall site as outlined in red and blue on the submitted plans. An existing hedge would be removed to achieve satisfactory visibility. The new dwelling would have sufficient space for 3 vehicles, although turning would be rather tight but nevertheless possible. LCC Highways have been consulted and have not objected to the proposal on highway safety grounds, subject to conditions.

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

Flood Risk

The site lies within Flood Zone 2 defined by the Environment Agency Flood Maps. The latter 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 Zones 2 and 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. In this case, it is recommended that finished floor levels should be set 300mm above existing ground level.

Drainage

Surface water would be disposed of to soakaways. It is considered that there is sufficient area within the plot to cater for soakaways and any necessary drainage field, plus any foul water package treatment plant. Drainage can be addressed by means of a condition.

Other Matters

Concerns have been raised over the loss of trees and wildlife. Loss of trees has already been addressed. Concerning protected species, there is now real evidence of their presence. However, it is recommended that a note be attached to any approval reminding the applicant of his obligations in this respect.

Concerns have been raised over possible vibration. This can be addressed by means of a construction management condition.

Issues have been raised over the accuracy of the plans and documents submitted. They were taken up with the applicant's agent, who responded accordingly. It is considered that sufficient information has been submitted to enable the Authority to make a reasoned decision.

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 concerns of nearby residents have been taken into consideration in reaching a decision. However, the proposal is consistent with policies within the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019. It is therefore recommended that the application be approved under delegated powers.