DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0725-20**	**Applicant:**	**Mr J Peggs**
Proposal:	Proposed garage conversion to dwelling including extension		
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
10	Meeting Assessed Housing Requirements
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	1
RESIDENTS	4	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing detached garage block/workshop with first floor office/store into a 2 bed dwelling at No. 41 Station Road, including a front extension and alterations.

An application has also been submitted for a new dwelling along the frontage of No. 41 (ref. H21-0674-20), which is still under consideration at the time of writing.

Site Description

The garage block/workshop is located at the rear of No 41 Station Road (house) and is accessed by an existing access/driveway.

A chalet bungalow is located to the east (no. 43), with a high Beech hedge and fencing on the common boundary. Residential properties are situated on the opposite side of Station Road. A chalet bungalow and associated outbuilding are located to the west (No. 39).

Policies/Constraints

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

Recent History

H21-0802-00 - Full - Construction of new garage and workshop - Granted 16 August 2000

H21-0674-20 - Full - Proposed dwelling - Still under consideration.

Consultation Responses

Tydd St Mary Parish Council - Supported.

LCC Highway/SUDs - No objections subject to conditions.

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; Parking issues; Drainage concerns; 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, it is considered that the proposal constitutes infill because the building is within the village envelope. No objections are therefore raised in terms of location.

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. No. 41 is a contemporary house. Nos. 39 and 43 to the west and east respectively are chalet bungalows. A detached house and two pairs of semi-detached Edwardian houses are located on the opposite side of Station Road. The proposal would be a sympathetic conversion and would not be readily open to view from Station Road due to existing buildings and planting and the fact that it is set back. The proposal would not materially harm the character/appearance of the locality 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 intended to remove existing frontage hedging to improve visibility, it would be replaced.

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

Amenity

The building is set to the rear of no 41, which is a house with its main elevation facing east. Nos. 39 and 43 to the west and east respectively are chalet bungalows. A detached house and two pairs of semi-detached Edwardian houses are located on the opposite side of Station Road.

The building is set some 11 metres from the western boundary and has no first floor windows on its western elevation. It has first floor bedroom windows on its front elevation, but is set back some 16.3 metres from No 41 and 22 metres approximately from the rear of No. 39 to the south-west. No. 41 has no principal windows on its northern elevation. An existing external staircase on the eastern elevation of the building would be removed. Overlooking of nearby property would either be at an oblique angle or at an acceptable 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, subject to appropriate boundary screening.

It is accepted that there would be some noise and disturbance generated by additional vehicles and general activity within gardens, etc, as well as constructional work. However, the garage block is currently used by vehicles and construction work 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 the western boundary. 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 may well 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, including a potential additional dwelling along the frontage. An existing hedge would be removed to achieve satisfactory visibility at the entrance. The new dwelling would have sufficient space for at least 2 vehicles. 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.