DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H21-0854-22** | **Applicant:** | **Mr M Melton** |
| **Proposal:** | Erection of Bungalow - outline approval H21-1073-21 (allowed on appeal) | | |
| **Location:** | Rear Of 7 Station Road Tydd Gote Wisbech | | |
| **Terminal Date:** | 26th October 2022 | | |

## Planning Policies

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 29 | The Historic 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 2021**

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.
Section 16. Conserving and enhancing the historic environment.

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 1 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| RESIDENTS | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

The site has outline permission for the erection of a single storey dwelling with all matters reserved for subsequent approval (ref. H21-1073-21), which was allowed on appeal. Reserved matters approval is now sought for a 3 bedroom bungalow.

### Site Description

The proposed dwelling would be positioned on land within the curtilage of no. 7 Station Road to the north-west of a play area fronting Station Road. The site includes a lean-to storage building, which is currently in a poor state of repair and used for storage in association with the host dwelling. It is understood that a glass building previously existed on the site but subsequently collapsed, however the footings are still in place.

The site is accessed via a private roadway, which also provides access to Robin Hood Cottage (No 9), in addition to 11 Station Road near the entrance point which fronts the highway. Residential properties are situated to the south fronting Station Road and a church hall to the south-west. Residential properties are also situated to the west off Main Road (A1101).

The southernmost part of the site is within Tydd Gote Conservation Area.

### History

H21-0484-15 - Full - Proposed single detached dwelling - Refused. Allowed on appeal 17 February 2016 (ref. APP/A2525/W/15/313491).

H21-0316-16 - NMA - Proposed single detached dwelling - H21-0484-15 Allowed at Appeal (Reference APP/A2525/W/15/3134914)- Amendment to move dwelling and garage south on site - Approved 14 April 2016.

H21-0318-16 - C/C - Details of materials schedule (Condition 3 of H21-0484-15 Allowed on Appeal - Reference APP/A2525/W/15/3134914) - Approved 14 April 2016.

H21-1020-16 - NMA - Proposed detached dwelling - approved under H21-0484-15 appeal decision - Amendment to include rear extension - Approved 2 November 2016.

H21-1073-21 - Outline - Erection of Single Storey Dwelling - Refused 7 December 2021. Allowed on appeal 24 June 2021.

### Consultation Responses

Tydd St Mary Parish Council

No observations.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, we would expect the applicant to propose to discharge surface/treated foul water to a watercourse. In this case, consent would be required under Byelaw 3.

Public

Comments received (summarised):
- Private roadway not owned by occupiers/owners of 7, 9 or 11 Station Road, but is used by all parties as the only access to and from station Road. Also used for maintenance of playing field.
- Should the proposed build go ahead it will be used for access by new occupiers. Historically, maintenance and upkeep of the lane, etc has been by informal agreement. However, as more stakeholders will be using the lane it is important to clarify any maintenance agreement.
- Therefore request that a formal agreement is put into place requiring occupants of 7 and 9 station Road, the new bungalow and the parish Council to contribute towards maintenance and upkeep of the road surface, the adjoining fence and overhanging trees.
- Access can be very challenging by larger vehicles due to narrow width. Another property will exacerbate issue.
- Laying of cables could damage roots of existing trees. Steps should be taken to prevent this.

## Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H21-1073-21). This application is therefore to assess the reserved matters, namely, details of the access, appearance, landscaping, layout, and scale.

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.

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. 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.

The bungalow would be constructed in Forterra Hampton Rural Blend brickwork (red) with a Marley Modern smooth grey concrete interlocking roof. The design includes oversailing gabled and corbelled eaves. The windows and doors would be white uPVC. No additional tree planting is proposed. However, it is within a landscaped setting.

The bungalow would be set back from Station Road and would not be readily visible due to existing development and tree planting. No 7 is situated to the rear and is a two-storey property constructed in red brickwork. A contemporary dwelling (The Manse) and hall are situated to the south-west and are also constructed in red brickwork. No 9 Station Road, located off the private roadway, is a white rendered cottage. Having regard to the appeal decision, it is considered that the proposed bungalow would not materially harm the character or appearance of the locality or fail to preserve or enhance the character and appearance of Tydd Gote Conservation Area. The proposal therefore accords with Policies 2, 3 and 29 of the SELLP in this respect.

In terms of amenity, the proposal is for a single storey dwelling. The submitted site plan indicates that 1.8 metre high boarded fencing would be provided along boundaries where lacking. It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds.

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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Vehicular access would be via an existing private roadway and this forms part of the outline approval. The scheme includes sufficient space for the parking of 2 vehicles. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore accords with Policies 2, 3 and 36 on highway grounds.

Concerns have been raised concerning use of the private roadway and maintenance arrangements. In response, the private roadway formed part of the site the subject of the outline permission (ref H21-1073-21), which was allowed on appeal. The appropriate notice was served. No condition was imposed at the outline stage concerning surfacing, protection of trees, etc. Management arrangements between the respective parties are a civil matter.

## Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3, 29 and 36 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and to outweigh factors in favour of the scheme and the policies referred to above.

## Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved 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.

## Conclusion

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