

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0885-22 **Applicant:** Mr J Karavadara
Proposal: Erection of two dwellings and new car park area
Location: Land South Of Aayo Gurkhali Sutton Road - A1101 Tydd Gote
Terminal Date: 22nd November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
 Section 5 - Delivering a sufficient supply of homes
 Section 11 - Making effective use of land
 Section 12 - Achieving well-designed places
 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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The application seeks full planning permission for the erection of two dwellings and new car park area serving the restaurant to the north of the site.

The dwellings would be detached two storey and would comprise of a lounge, snug, w/c, utility room, single attached garage and an open plan kitchen/dining/sunroom on the ground floor with a bathroom and 4no bedrooms; one with an en-suite bathroom and a dressing room on the first floor. The dwellings would be constructed from Haskins Cottage mixture facing bricks, santoft red clay pantile roof tiles, grey upvc casement doors/windows and an oak porch.

The carpark would be tarmacked and the soft/hard landscaping and boundary treatment materials have not been specified.

It should be noted that an amended site plan was submitted to show visibility splays and access details.

SITE DESCRIPTION

The site is located within the village of Tydd Gote, to the South of the former Tydd Gote Inn, now Aayo Gurkhali. It currently comprises of the overflow car park from Tydd Gote Inn and part of the vacant parcel of land to the east/north-east. A small section of the car park and the vacant parcel of land are within South Holland District boundary and the rest of the site lies within Fenland District Council boundary. The whole of the site is outside Tydd Gote, Wisbech settlement boundary.

RELEVANT HISTORY

H21-0395-02 - Outline application for 1 bungalow - Refusal

REPRESENTATIONS

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Historic Environment Officer

No archaeological impact.

Tydd St Mary Parish Council

No objections.

South Holland Internal Drainage Board

No comments as the site lies outside the Internal Drainage District of the South Holland Internal Drainage Board.

PLANNING CONSIDERATIONS

Principle

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.

Part of the site lies outside the South Holland District boundary and the whole of the site is outside Tydd Gote settlement boundary. It is therefore within an area regarded as the open countryside. Policy 1 of the SELLP sets out the spatial strategy for development within the District for the plan period, and clarifies 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.

Explanatory text accompanying Policy 11 (Distribution of New Housing) of the South East Lincolnshire Local Plan specifically refers to self-build & custom build dwellings and indicates at paragraph 5.3.5 that "within the defined settlement boundaries there will be numerous opportunities for infill and larger-scale housing development that will be available to the local builder, self-builder, custom-builder and larger house-building companies. It is not practical to identify or anticipate all such opportunities; however, the positive tone of the Local Plan encourages such development provided that the material considerations of the Local Plan and particular sites can be met".

The proposal would essentially be frontage extension. Whilst part of it would be located on agricultural land, the majority of the site is a brownfield (an existing carpark). It would extend onto open countryside to the east, however, it is not considered to unacceptably encroach on the open countryside.

In terms of national planning policy, Paragraph 80 of the National Planning Policy Framework (2021) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. The meaning of the term 'isolated' was a matter discussed in *Braintree District Council v Secretary of State for Communities and Local Government* 2 P. & C.R. 9. In that instance, the Court of Appeal supported the Inspector's approach to the question of "isolated homes in the countryside", saying that the decision maker must consider, "whether would be physically isolated, in the sense of being isolated from a settlement". What is a "settlement", and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case. In *City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* EWCA Civ 320, the judgement builds upon that reached in the *Braintree* case, confirming that the measure for whether a site is isolated is its proximity to a settlement, not other dwellings.

Applying the above interpretation, given the area outside the settlement boundary would be an extension to the existing built area which is immediately adjacent to the settlement boundary and given only half of the site lies within the South Holland District boundary it cannot reasonably be argued that the site is isolated from a settlement.

Given the above the proposal is on balance considered acceptable.

Character and appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of 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.

The proposed car park would not significantly change the overall appearance of the site as part of it is already a carpark. The extension to the carpark onto the land to the north is not considered to unacceptably impact the appearance of the area.

The proposed dwellings are considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space to the rear and parking to the front. As such it is not considered that the proposal results in overdevelopment of the site. There is no strong built

character in this part of the street therefore the proposed dwellings are not considered to be out of keeping with the street scene.

The front area would be sufficiently spacious for driveways providing off-street parking for at least 2-3 vehicles for each dwelling. The rear gardens would be an adequate size. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

The dwellings would be constructed from Haskins Cottage mixture facing bricks, santoft red clay pantile roof tiles, grey upvc casement doors/windows and an oak front porch. Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

A hawthorn hedge is shown between the carpark and plot 2 and no other details have been submitted with regards to boundary treatments therefore a condition has been appended for these details to be submitted and approved at a later stage.

Taking all these factors into account it is considered that the proposed development would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

Residential 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. 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.

The closest neighbour is to the north of the site (Aayo Gurkhali restaurant). The part of the site closest to this property would be a car parking serving this restaurant (part of which is already a car park). This element would not result in any significant impact. The closest proposed dwelling would be sited at least 20 metres from this property therefore no overbearing impact would result.

There are no other immediate neighbours. The closest residential neighbours are on the opposite side of the street and given the relationship no unacceptable impact is considered to result on neighbouring amenity.

Given the above, it is considered that it has been demonstrated that the proposal would comply with Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF in respect of its provision for residential 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. The proposed dwellings would have 4 bedrooms each therefore 3no off-street parking spaces are required for each dwelling. The submitted plans show a single attached garage and a driveway providing further off-street parking for at least 2no vehicles for each dwelling. As such the development meets the current parking standards.

The Cambridgeshire County Council Highway Development Management Engineer requested the plans to be amended to show visibility splays and access details as well as confirming if there is a drainage channel across the access. Amended plans have since been submitted showing these details.

The LCC Local Highway Authority has not raised any objections to the proposal as the site lies part inside the boundary of Lincolnshire County Council for the new car park area only and the proposed dwellings are outside of our boundary line.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking/highway safety.

Planning Balance

The principle of developing a new car park area and 2no dwellings is acceptable at this location given majority of the site is brownfield and would not unacceptably encroach onto the open countryside.

The proposal would not materially harm the character or appearance of the locality, the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc or result in parking/highway safety issues.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

CONCLUSION

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, and 15 of 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 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.

RECOMMENDATION

That the application be approved under delegated powers.