

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0012-22 **Applicant:** Cecil Francis Ltd.

Proposal: Proposed demolition of commercial buildings and HMO and subsequent construction of 3 dwellings and the change of use of offices to dwelling together with a detached garage and associated external works.

Location: Cecil Francis Business Park Bear Lane Pinchbeck

Terminal Date: 22nd March 2022

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
11	Distribution of New Housing
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	4
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	5	0	0

CASE OFFICER ASSESSMENT

Proposal

Full application for the demolition of commercial buildings and HMO and subsequent construction of 3 dwellings. In addition, the application seeks change of use to residential from commercial for an historic barn. The application includes a proposed new build garage for the barn conversion and new vehicular access points from Bear Lane.

The application is supported by a Supporting Statement including Heritage Impact Assessment, a Flood Risk Assessment and an outline of the measures to be put in place to ensure the successful relocation of existing businesses on the site.

The applicant also requests that a 5 year period for commencement is allowed.

The application has been revised since submission.

Site Description

The site is currently the Cecil Francis Business Park and accommodates several different commercial uses as well as a residential hostel. The hostel is of timber construction and has now come to the end of its serviceable life; it has also been the focus of anti-social behaviour.

Commercial changes have resulted in decreased demand for commercial space on the site, and in addition to this the storage elements of the site have created difficulties associated with noise pollution.

The site contains a mix of commercial purposes, some of which operate on a 24 hour basis. There are 6 buildings on the site.

Block 01 - HMO
Blocks 2 to 5 inclusive - commercial and office.
Block 6 - Office.

The site is located within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map.

The level of Bear Lane on the east side of the existing buildings on the site varies between 3.92m and 4.19m ODN alongside the site. The existing concrete hardstandings on the site are at a level of approximately 4.00m ODN. The levels of areas on the west side of the site are at a level of approximately 3.70m ODN.

The levels on the site where the predicted flood depth is between 0 and 250mm are between 3.70m and 4.00m ODN. From this the conclusion can be drawn that the maximum flood level in a 1 in 200 year event in 2115 would be 4.00m ODN. However if the measured levels along Bear lane adjacent to the site are considered then there is between 0 and 250mm of flooding predicted on the part of the road where levels are a maximum of 4.19m ODN.

The site is approximately 200m east of the main shopping area in Knight Street and approximately 60-100m north of the junction of Bear Lane and Knight Street. On its north-east side the site boundary is the side of Bear Lane, there is no footpath on this side. To the south-east there is the garden of a private residential dwelling. To the south-west is the private garden of a further residential dwelling. To the north-west is a cottage located immediately adjacent Bear Lane, with a residential garden to the rear.

The site currently has its vehicular access to Bear Lane immediately south of block 06. This access has been used for many decades and is the sole access from Bear Lane for all blocks. Bear Lane joins Knight Street at a junction approximately 35- 40m south-east of block 06.

The site is located within the Pinchbeck Conservation Area and has a significant road frontage to Bear Lane.

There is an adjacent Grade II Listed building - No.13 Graft House, which shares a wall that is mentioned in the listing description. A store is also mentioned in the description:

PINCHBECK KNIGHT STREET TF 22 NW (north side) 7/93 No.13 Graft House, wall and store 7.2.67 II House, wall and former detached kitchen, now store. 1733, altered mid C19. Red brick in Flemish bond, slate roof, brick coped tumbled gables, 2 brick gable stacks. T-plan. 2 storey plus attics, 5 bay front with wooden dentillated eaves course. Central double 8 panel doors, fine shell hood on scrolled brackets, leaded. Flanked by single canted C19 plain sashes with plain pilasters and hipped lead roofs. To first floor 5 glazing bar sashes arranged 2:1:2 with brick segmental heads. In the attic 3 C19 2 light casement gabled dormers with boarded gables and glazed cheeks. To right a pent roofed bay with tumbled gable and glazing bar sash window, with brick garden wall and planked gateway which is attached to store. This has brick coped tumbled gables, slate roof, single reduced gable stack, brick dentillated eaves, planked door and single glazing bar pivot window with segmental heads. In the rear wing an ashlar datestone in a blocked opening "CBJ 1733". May be Charles Jennison. Interior has a dogleg stair with 2 turned variform balusters to the tread, carved scrolled open string, tall circular newel, moulded handrail. One early C18 bolelection moulded fire surround with mantles shelf. 3 panel doors throughout. The store has a broad brick fireplace with reused chamfered and stepped bressumer and is probably a former detached kitchen.

History

H14-0016-06. 8 Bear Lane. Extension and alterations to form offices. APPROVED 22-02-06

H14-1153-07. Cold Store No 4 Cecil Francis Business Park, 8 Bear Lane. Conversion of cold store to form office accommodation. APPROVED 08-10-07

H14-0771-06. Cold Store 4, Cecil Francis Business Park. Conversion of cold store to form office accommodation. APPROVED 26-07-06

H14-0726-02. Bear Lane. Conversion of cold stores into office accommodation and additional car parking. APPROVED 31-10-02

H14-1385-00. Paddock House, Bear Lane. Convert packing shed into office accommodation. APPROVED 12-01-01

H14-1016-99 - Off Bear Lane, Pinchbeck. Bunk-house for multiple occupation of seasonal workers (10). 22-11-99

Consultation Responses

Pinchbeck Parish Council

No response received.

SHDC Conservation Officer

Wish to raise no concerns regarding this proposal on conservation grounds. My colleague from LCC HER does raise a valid point regarding the need for any proposal to better reveal an area's significance. However, I take this proposal to present an attractive development, making use of high quality, if unconventional design, which in its set back position from the roadside most certainly enhances the setting and appreciation of both the old barn and also Graft House from Bear Lane, particularly when considering the proposed improvement to setting over the extant structure. A modern design is not a concept that is disallowed within the Conservation Area, and the proposal matches the character of wide, open plots that are commensurate with this specific portion of the Conservation Area.

I fully concur with my colleague's points regarding the potential risk of subsurface archaeology at the site and so request that any approval feature the full archaeological works scheme to ensure any archaeology is documented and preserved.

SHDC Conservation Assistant (Tree Preservation)

Makes comments:

Sycamore tree

The large heavily reduced sycamore tree in the grounds of the adjacent property, at Graft House, 13 Knight Street, Pinchbeck. The tree contains many long established cavities providing a home to some starlings.

The sycamore tree has been reduced on a number of occasions. Therefore the canopy spread is unlikely to be truly indicative of the root spread. As the tree is in such close proximity to Graft House, should it eventually demise; it might have implications on the foundations, so the longer it has nothing to cause it to decline the better.

A Root Protection Area measurement as in BS.5837:2012 may give a more accurate measurement of the potential root spread.

There are several interesting factors which may influence the effect of the proposed garage on the roots. Currently the ground on the site adjacent to the tree is covered with a substantial depth of tarmac which is likely to be on a bed of compacted stone. Such an area is unlikely to be particularly permeable to water or for allowing gaseous exchange to the roots. The lack of surface rainfall directly reaching the roots is likely to be ameliorated by the tarmac sloping towards the root plate of the tree and drain holes in the adjacent wall allowing free passage of water to the root plate.

The boundary of the garden of Graft House adjacent to the site is demarked by a tall brick wall. The applicant helped build the wall about twenty years ago and stated that it had a foundation around one metre in depth. It is possible that the wall has curtailed the growth of surface roots from the sycamore tree towards the site.

The Applicant proposes that the foundation of the garage be no deeper than the depth of the current tarmac and base layer. It is possible that the current base layer could be used. There are no intentions to de-compact the soil layer beneath the base layer, so the roots of the tree are unlikely to be more affected than by the current tarmac.

The Applicant is suggesting digging a trial hole near the wall to assess the depth of the current tarmac and base layer and note obvious roots.

We discussed raft foundations and bridging roots. A 500mm raft foundation was discussed. This

still seems deep, unless the existing tarmac layer is the compacted layer beneath the raft.

The Applicant would encourage the design of foundations to ensure the preservation of roots and be happy if a Planning Condition was put on for prior approval of the foundations of the garage to help ensure this, should permission be granted.

An additional feature of the proposed design which will could potentially help the tree, is the removal of the existing tarmac area and planting of grass. If roots are present they will greatly benefit from the hopefully more aerated soil and ease of percolation of rain water which will affect the site against approximately two thirds of the overhanging canopy of the tree. The removal of tarmac and the grassed area is an important consideration by way of compensation for any root damage due to the garage. Maybe the long term retention of the proposed grass area requires conditioning.

Other trees potentially affected by the proposed development:

A fine yew tree in the adjacent garden of Graft House may also benefit from the proposed grass area rather than the current tarmac car park.

The three trees actually on the current site will be retained in a grass covered garden area to the rear of Plot Three.

These consist of a young horse chestnut, a mature species of alder and a well-established holly. They are likely to benefit from the change from compacted gravel to grass over their roots.

When the tarmac/gravel is removed and grass laid, great care will require to be taken to prevent any root damage to existing trees. Particularly that the soil is not further compacted by the tarmac/gravel removing equipment.

Sensitive aeration/de-compaction of the soil beneath the tarmac/gravel (if compacted) without damage to existing tree roots where grass is to be laid may be beneficial, enabling the porosity of the soil to be improved; to allow free movement of rainwater to the roots and exchange of gases.

Great care will need to be taken to prevent physical damage to the existing trees during construction. Root Protection Area barriers to also include those for the sycamore and yew growing in the grounds of the adjacent Graft House where they overhang the site.

The change of soil levels within the Root Protection Area of the trees must be avoided at all cost.

It is good to see that the existing Elaeagnus hedgerow at Paddock House, Bear Lane, is to be retained, a maintenance strip on the side adjacent to the proposed development may have advantages.

The use of hedgerows on the site is to be applauded. If yew is to be considered, remember that it is poisonous, as is laurel. This may not be a problem, but both produce prominent berries. Lonicera nitida and privet both produce compact evergreen hedgerows with less prominent berries.

Good to see the hedgehog highway points.

SHDC Environmental Protection

Request the standard land contamination conditions at this location.

SHDC Inward Investment Manager

Support.

As a long established employment site, the concern of the Inward Investment Team would be the future of the existing business tenants should planning permission be granted. In this instance, we are reassured by the response relating to the consultation and relocation of existing businesses from the applicant as contained in the letter appended and therefore are happy to support the application.

LCC Highways & SUDS Support

Requests that any permission given by the Local Planning Authority shall include conditions and informatives.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

The proposed development is located in the historic core of the medieval settlement of Pinchbeck and within the designated Pinchbeck Conservation Area.

As noted in the Conservation Officer's pre-application advice cited in the Design & Access Statement, the proposed demolition of the 20th century industrial buildings which are not in keeping with the conservation area, whilst retaining the converted historic barn represents an opportunity to enhance and better reveal the significance of the Pinchbeck Conservation Area. However, there may be opportunities to work with the Conservation Officer to adapt the design of the proposed new houses to better reflect the layout, style, and detailing more distinctive of buildings that contribute positively to the Conservation Area.

The proposed development also has the potential to have an impact on buried remains of the medieval settlement of Pinchbeck. Medieval finds have previously been unearthed during new development at the village school, as well as on the site of the Guildhall on Guildhall Drive to the south of the site. To the north of a site at Captain's Beck archaeological work associated with new development also revealed evidence for nearby medieval settlement. It would therefore be beneficial to ensure that groundworks of the proposed development are monitored by an archaeologist to ensure heritage assets of archaeological interest disturbed can be recorded prior to their destruction.

Therefore it is recommended that the developer should be required to commission an Archaeological Scheme of Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

"They should... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible", National Planning Policy Framework Section 16, paragraph 205.

Initially I envisage that this would involve monitoring of all groundworks (including the grubbing out of any foundations following demolition to ground level), with the ability to stop and fully record archaeological features.

Welland and Deepings Internal Drainage Board

Have no comment to make with regard to this application.

Historic England

On the basis of the information available to date, do not wish to offer any comments. Suggest that the LPA seeks the views of the specialist conservation and archaeological advisers, as relevant.

Public

Five representations of support have been received (precised):

Right of way to Graft House is to be retained

Residential dwellings would be a great improvement to the area

The HMO is becoming a problem with anti social behaviour

New build properties and restoration of the barn will be in keeping with the conservation area

Reduction in noise and traffic, not only around the current premises but also in and out of Bear Lane and onto the surrounding streets

Removal of commercial traffic

Will not create overcrowding of the area
Will create a much improved street scene along Bear Lane
The type/size of house is in short supply within the local area

Planning Considerations

The main issues in this case are:

Principle of Development and Sustainability
Layout and Design
Refuse collection
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Impact on trees
Contaminated Land
Heritage considerations
Archaeology
Biodiversity

Principle of Development and 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 located within the settlement boundary of Pinchbeck, which is designated a Main Service Centre within the South East Lincs Local Plan. Within the settlement boundaries of the Main Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The inclusion of Pinchbeck as a Main Service Centre can also contribute to maintaining and improving service infrastructure outside Spalding. But the main justification for its inclusion as a Main Service Centre is that there are significant levels of development within the parish, the boundary of which adjoins the urban edge of Spalding. Whilst the settlement boundary for Pinchbeck will define the settlement it is clearly a location of significant existing service provision.

The site is currently in a commercial use, however several of the buildings are outworn and are the source of complaint. There is a policy consideration regarding commercial uses, but on this site it is considered that a redevelopment for residential use would be a considerable benefit in terms of use and visual appearance to this part of Pinchbeck.

The applicant also sets out how it is intended to support the businesses seeking relocation.

The development of this brownfield infill site is thus considered acceptable in principle.

Layout and Design

For the purposes of this report, the application proposal is considered in two parts:

The commercial uses on the site are now under-utilised and more could be made given the village location. The limited size of the cold stores makes them no longer viable for their original use as much larger stores are now the industry requirement. In addition, due to noise complaints there is an issue of compatibility of the current use with the now prevailing residential character of this part of Bear Lane.

Block 01 (HMO) was constructed as a temporary building and the applicant advises that it has now reached the end of its serviceable life. This building is of no architectural or historic value and has a negative impact on the Pinchbeck Conservation Area. The removal of this block from the conservation area can only be viewed as a positive element of the proposal.

Blocks 02 to 05 inclusive (offices and stores) date from 1953 (block 03), 1971 (blocks 04 & 05) and 1994 (block 02) and are of poor architectural design with low grade materials. These blocks have a

negative impact upon both the Pinchbeck Conservation Area and the street scene of Bear Lane.

This full application proposes the erection of three detached dwellings with associated parking and garden areas. The design concept is to provide three modern dwellings, rather than a mock-traditional approach, and the design features are well proportioned and argued within this submission.

The views regarding design of the LCC Historic Environment Officer are noted. It is considered that a modern approach has been well argued and expressed by this application, and the form of more traditional buildings has been taken in to account, whilst utilising a modern approach. It is considered that the design approach is one of many that would be an appropriate response to this site, and would not have a detrimental impact upon this part of the conservation area.

The setting back of the dwellings would open the frontage, and provide parking via three new access points. Setting the dwellings back from Bear Lane will allow for the creation of drives and access points. Setting back will also do much to improve the very enclosed feel that this section of Bear Lane currently suffers.

It is considered that the extent of demolition and the outworn buildings on the site, opening the frontage with a better designed development on to Bear Lane would make a positive contribution to the character and appearances of this part of the Pinchbeck Conservation Area.

Block 06 (traditional barn) presents value in both architectural and historic terms and makes a positive contribution both to the street scene of Bear Lane and to the Pinchbeck Conservation Area. As such this building is worthy of retention.

The conversion of this building and the erection of a double garage is considered to be acceptable within the context of the site and the wider conservation area. The retention of this building also serves as a transition between the adjacent listed building and the modern dwellings proposed.

The layout of plot 4 in particular has been revised to provide a lighter garage structure. This has a visual benefit as well as minimising impacts upon an adjoining tree.

It is considered that the development as a whole would be a benefit to the character of this part of the conservation area and to the setting of the adjacent listed building.

The proposals are in accordance with Policy 29 of the SELLP and the intentions of the NPPF 2021 in this regard.

Refuse collection

Refuse collection for each dwelling would be from the public highway of Bear Lane.

Highway safety and parking

Vehicular access to the site is immediately from Bear Lane that runs along the north-east boundary of the site. It is proposed that additional access points be introduced to serve each of the three new dwellings. The existing vehicular access will be retained for use by Graft House and block 06 (the barn). Pedestrian access to the site is again from Bear Lane.

The removal of the commercial use will reduce traffic flow into and out of this site. This will also eliminate the current 24 hour commercial access pattern. Providing 3 additional access points from Bear Lane would be appropriate, each will have very limited vehicle movement.

Impact of neighbouring Residents/land users

The three proposed dwellings would sit in garden areas and Plot 1 is oriented to minimise overlooking to dwellings to the north and north-west.

Plots 2 and 3, and to a limited extent plot 4 would have rear facades facing the domestic tennis court to the west, and the brick wall along the northern boundary, together with the hedging to the western boundary are to be kept, which would serve to minimise impacts.

The introduction of residential accommodation to the first floor of plot 4 would introduce the potential for limited overlooking via two bedroom windows towards Graft House, however this is the reuse of existing business premise windows, rather than the introduction of new features.

The proposals are in accordance with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Flooding considerations

The site is located in an area identified as Flood Zone 3 by The Environment Agency and as such a site-specific flood risk assessment has been produced. This is included as part of this application pack and its recommendation have been used to shape the proposals in terms of floor levels and the location of sleeping accommodation at upper floor level.

This is to be controlled via conditioning the requirements of the FRA in the usual way.

Foul and Surface Water Drainage

Foul sewerage is to be dealt with via the mains sewer.

Surface water arrangements are to be via soakaways, the details of which are to be submitted and controlled by condition.

Impact on trees

There are numerous mature trees along the south and west perimeter of the site, these contribute to the context and are wholly worthy of retention.

Works of demolition and for the construction works around plot 4 are to be carefully managed to seek to minimise detrimental impact on trees. This is set out in the recommended conditions as a result of the concerns of the SHDC Conservation Assistant (Tree Preservation), that are set out above.

Contaminated Land

Since submission additional information has been submitted to satisfy the concerns of the SHDC Environmental Protection Officer and a condition is suggested in the event of unexpected contamination being found.

Heritage and Archaeology considerations

The impacts on the conservation area and the setting of the adjacent listed building are set out above.

The concerns of the LCC Historic Environment Officer are noted. Conditions regarding archaeology are suggested.

Biodiversity

It is proposed that the existing hedging to the site is to be retained.

Sift boxes are to be required by condition.

Other matters

Given the location of the site and the potential for impacts on trees, conditional submission of a Construction Management Plan and Method Statement is recommended.

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 proposed development would be an improvement to the character and appearance of this part of the conservation area, the adjacent listed building and the wider locality. The proposal would have minimal impacts upon the amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 21, 28, 29, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.