DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0435-20**	**Applicant:**	**S R & A V Willson**
Proposal:	Residential Development comprising 2 detached dwellings served by private road (revised scheme)		
Location:	Fern Villa 40 Knight Street Pinchbeck		
Terminal Date:	10th August 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
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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 14. Meeting the challenge of climate change, flooding and coastal change
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
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for residential development comprising 2 detached dwellings served by private road at Fern Villa, 40 Knight Street, Pinchbeck, Spalding.

This application submits a revised scheme. The topographic survey was inaccurate and the drawings accompanying this current application show the application site larger and the dwellings positioned slightly differently on the site. Minor amendments has been also submitted with regards to the fenestration of the dwellings.

Site Description

The site is part of the historic core of Pinchbeck. The scheme constitutes backland development by reason of the dwellings location. The development is greatly set back from the highway. The footprint of the dwellings are located to the rear of Fern Villa (No. 40) and No. 38 which are part of the frontage development on the southern side of Knight Street. A long shared access between these two properties extends from Knight Street to the core of the application site.

Plot 1 behind No. 38 has been already developed. Plot 2 has not been constructed yet. Close board timber fence with concrete posts has been already erected along the boundaries of the application site.

History

H14-0045-18 - (Reserved Matters) - Erection of 2 dwellings - outline approval H14-0023-17 - Approved
H14-0023-17 - Outline residential development - Approved
H14-0165-94 - (Outline) Proposed redevelopment of existing coal merchant's yard to provide two building plots for bungalows and garages - Approved

Consultation Responses

LCC Highways/SUdS Authority

No objection.

Requests one informative note to attach to the decision notice should permission be granted.

Pinchbeck Parish Council

Recommends approval.

SHDC Environmental Protection

No objection.

Should permission be granted, it is requested to add a condition to receive and subsequently approve a remediation method statement prior to the commencement of works as recommended in the land contamination scheme hereby submitted.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Pinchbeck as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

The principle of development has been already established in previous application H14-0023-17, which was approved.

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 key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed block plan shows the southern boundary encroaching slightly further onto the adjacent open field so that there is further space within the site.

The dwellings are oriented such as in the previous applications. Plot 1 facing north-west onto Fern Villa and Plot 2 facing north-east. However, their footprints appear set back further from the site boundaries. The range of separation distances between Plot 2 and Fern Villa has increased from 5.36m - 8.40m to 9.06m and 11.22m; and between Plot 1 and No. 38, from 4.22m - 7.78m to 8.50m - 11.15m.

Likewise, the house in Plot 2 is nearly 14 metres from the boundary adjoining the gardens of No. 42 to 44 (north-west) whereas this separation was only approx. 10 metres in the previous proposals. The separation remains between the house in Plot 1 and the boundary adjoining No 8 and 10 Church Walk (south-east).

The internal layout of each dwelling will be tantamount to the approved plans of previous applications. The housing type will remain two-storey with identical roof style and detailing. The external materials will not be modified.

Alterations are proposed with this application to the fenestration of the houses. They comprise additional windows, enlargement and reposition of approved windows. The arrangements will provide a balanced appearance with the remainder of the openings. They will not lead to overlooking as detailed below.

For these reasons, the design and layout of the development is deemed acceptable. The site layout will not be at odds with the site features and surroundings. The external appearance will be sympathetic with the character of the local area. The alterations to the fenestration will keep balanced the form of development externally. Thus, the proposal comply with the aforementioned policies on design and layout.

Residential amenity

The proposed amendments for the fenestration will occur on the ground floor level. These openings do not directly overlook to any opposing elevation. Moreover, the boundary treatment is such that it will obscure ground floor views between proposed houses as well as these houses with existing properties in the immediacy. Therefore, no overlooking effect is anticipated to the occupiers of the adjacent dwellings.

In view of the flood risk mitigation measures, the finished floor levels of the house will be raised at 4.1m AOD from 3.5m AOD on the ground levels. As the separation distances have increased with the neighbouring sites, it is considered that the houses will not appear overbearing to the residents

of the adjacent dwellings.

Each house will have decking out of the garden door on the rear elevations. Taking into account the finished floor height due to the flood risk mitigation, the future occupiers of the houses will not overlook the rear garden of the nearest properties. As mentioned above, the separation distances with the boundaries are fairly considerable and the footprint of the adjacent properties are even further away. Thus, no loss of privacy will occur in this respect.

In summary, the development will not undermine the amenity standards of the residents and they comply with one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Highway safety and parking provision

Appendix 6 of SELLP sets out minimum requirements for parking provision. The houses will accommodate 4 bedrooms. In line with the Appendix, 3 parking spaces should be provided within the curtilage for dwellings with 4 or more bedrooms in order to prevent on-street parking.

The scheme includes one detached garage per each dwelling which will be able to accommodate one car. The layout of the shared access and private driveway is such that three cars could be parked in each plot and could egress the site in a safe and forward manner. LCC Highways Authority has raised no objection in this respect. Therefore, the proposal accord with Appendix 6 of SELLP and the scheme will benefit from sufficient car parking provision.

Pollution and flood risk

The proposed amendments submitted with this application will not entail any impact upon the land contamination strategy and flood risk assessment as previously approved.

Conclusion

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 30 and 36 as well as Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Section 2, 5, 11, 12, 14 and 15 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via 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.