

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0473-20 **Applicant:** Melbourne Holdings Ltd

Proposal: Residential Development of 10 Dwellings - approved under H14-0956-16. Modification of Conditions 2, 10, 11 and 31 and Removal of Conditions 20, 21 and 25.

Location: Land Off Spalding Road Pinchbeck Spalding

Terminal Date: 30th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 16 - Conserving and enhancing the historic 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify Conditions 2, 10, 11 and 31 and remove Conditions 20, 21 and 25 of H14-0956-16.

In summary, the proposed modifications are:

- Substitution of house types on Plots 5, 7 and 10
- Change roof tiles to Plots 1, 2, 3 and 4 to natural slate, with the remainder changing to Marley Eternit Riven Edgemere in slate grey
- Use a brick bond with a ratio of 1:5, rather than 1:3
- Revise finished floor levels in accordance with updated Flood Risk Assessment

Conditions 20, 21 and 25 are to be removed as the road is now to be adopted instead of remaining private.

Site Description

Development has commenced on site. The site is a former greenfield site with the northern end being partially within the Pinchbeck Conservation Area, including protected trees. There is a Grade II Listed Building (Otway House) to the north-east, screened by mature trees/bushes. There is mature hedging on the boundary to the west of the site with Spalding Road beyond. There is an open boundary to the south with properties beyond separated by an open drain.

History

H14-0471-20 - Details of Conditions 8, 9, 12, 13, 14, 18, 23, 24, 27, 29 and 32 of H14-0956-16 (approved December 2020)

H14-0616-19 - Details of Conditions 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16 (approved August 2019)

H14-0956-16 - Full application for proposed residential development of 10 dwellings (approved January 2019)

Consultation Responses

Pinchbeck Parish Council - No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Welland and Deepings IDB - No objection. The Board require the submission of an application form in advance of any works as well as payment of the application fee and Development Contribution and the agreement of technical details.

Environment Agency - No objection. Requests revised flood risk mitigation condition that reflects the recommendations in the revised flood risk assessment.

Public (2 objections received, summarised) -

- Query why houses are being built within Flood Zone 3a given government advice and why the houses would be built lower
- Water being discharged into drain without IDB consent
- Objects to road and refuse collection becoming the responsibility of the Council and thus the taxpayer being liable for the costs of maintaining and providing this
- Heras fencing has been erected but not the brick netting or solid hoarding as stated in paragraph 3.22 of the Pre-Construction Health & Safety Information Plan

Planning Considerations

Principle

The principle of residential development on the site has already been established through the previous approval (H14-0956-16). The key issue in this case, therefore, is whether the proposed amendments are acceptable in planning terms.

Impact upon character and appearance

The applicant is seeking to substitute the house types on Plots 5, 7 and 10. Plots 5 and 7 would be changed from house type 3 to 1 and Plot 5 would be changed from house type 3 to 5. Despite the change, 4 house types would remain so variety of design would not be compromised and no new house types beyond those previously approved would be introduced. The properties would still sit well within the plots. The proposed house type substitutions are therefore considered acceptable in character/appearance terms.

Condition 10 states that the external roofing materials shall be natural slates or handmade clay pantiles. Plots 1-4 would be natural slate, but the applicant is proposing to change to Marley Eternit Riven Edgemere (in slate grey) for the remainder of the plots. Given the slate like appearance of the proposed alternatives, it is not considered that the alteration would have a detrimental impact on the overall appearance of the scheme.

Condition 10 states that the brick bond to be utilised in the development shall be English Bond or English Garden Wall Bond (ratio 1:3). The applicant is seeking approval to change the ratio to 1:5. SHDC's Conservation Officer has viewed the brick panel with the latter ratio as part of responding to condition compliance application H14-0471-20 and has raised no objection.

Flood risk

Condition 31 states that:

"The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment & Drainage Strategy (Waterco Consultants, dated July 2016) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- The finished floor levels for two storey dwellings shall be set no lower than 650mm above ground level (3.45mODN).
- Flood resilient design and construction shall be used in all buildings to a minimum level of 300mm above the finished floor level."

As part of this application, the applicant has submitted a revised Flood Risk Assessment which recommends finished floor levels can be set lower at 3.225 ODN. This is still in accordance with the requirements of the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) when taking into consideration existing site levels and likely flood depths, and the Environment Agency have raised no objection.

Other considerations

The original intention was for the road to remain private, however the developer has since elected to make the road adoptable. There is no issue with the principle of a road being adopted by the Highway Authority the same as with any other new development.

The IDB have verbally advised that they are aware of water having been discharged into the drain and commented that this was due to heavy rainfall and the developer having to remove water from the footings. They have not raised any issue with this.

It is understood that the netting referred to in paragraph 3.22 of the Pre-Construction Health & Safety Information Plan has now been installed.

Planning Balance

The proposed amendments are considered acceptable in design and flood risk terms. The

conditions to be removed are effectively redundant given that the road is now to be adopted rather than remain private. The planning balance is therefore considered to be in favour of the proposal.

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

Taking the above into account, the proposed amendments are considered to be in accordance with Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 12, 14 and 16 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.