

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0633-21 **Applicant:** Mr A Rowe
Proposal: Residential Development - 5 Dwellings
Location: Former Glen Farrow Premises Land Off Spalding Road Pinchbeck
Terminal Date: 24th December 2021

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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
 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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	7	0	0	2
-----------	---	---	---	---

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning application for the development of 5 dwellings at the former Glen Farrow premises off Spalding Road, Pinchbeck.

The proposed scheme comprises of 2 x 3 bed detached bungalows and 3 x 4 bed two-storey houses. The Hanworth house type also includes an annexe.

The existing access off Spalding Road would be utilised with all dwellings being accessed by a private drive.

SITE DESCRIPTION

The site is the former premises of Glen Farrow and all buildings have now been demolished, with the site now being prepared for development. There are two access points in between dwellings fronting Spalding Road. Along this road there are a mix of semi-detached and detached properties. Tall conifer trees that used to border most of the eastern boundary have now been felled. New dwellings have been built to the east and north of the site.

RELEVANT HISTORY

H14-0041-19 - s73 - Demolition of vacant industrial buildings and erection of up to 5 detached houses - approved under H14-1187-17 - Modification of Conditions 2 and 5 to allow amendments to previously approved plans (approved March 2019)

H14-0931-18 - Demolition of structures on site (approved October 2018)

H14-1187-17 - Outline - Demolition of vacant industrial buildings and the erection of up to 5 detached houses (approved February 2018)

REPRESENTATIONS

Pinchbeck Parish Council - Recommend approval.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. This application is for 8 dwellings and the proposal for this site is to utilise the existing access which was for the Former Glen Farrow Premises. Previous planning applications for this site have considered the access to be acceptable. Requests standard highway informative regarding the road being private.

SHDC Environmental Protection - I have reviewed the Delta Simons report 'Geotechnical Report - Geotechnical Category 1 Former Glen Farrow Depot, 158 Spalding Road, Pinchbeck Project No. 17-0191.02' dated October 2019 and am in general agreement with the findings. I therefore request that parts ii-iv of the standard land contamination condition be applied at this location. Further ground gas monitoring visits are required to adequately characterise the site, although it would be possible to submit this at the same time as the remediation method statement. I recommend that the applicant contacts LCC Trading Services regarding the below ground fuel tank, as it may have been petrol rather than diesel historically. General recommendations for remediation have been proposed, in the form of a capping layer. Given the concentrations of PAH's identified relative to the assessment criteria, careful consideration should be given as to the thickness of this layer and the potential need for a physical barrier, and whether further site investigation may be required to support this decision.

Public (9 comments/objections received, summarised) -

- Overlooking
- Overbearing
- Overshadowing/loss of light
- Impact on outlook
- Additional noise from houses
- Highway safety
- High density; increase in number of dwellings; change from bungalows to two storey houses
- Appearance of dwellings out of character with existing properties in the area
- Conifer trees that have been felled sat on unregistered land and don't believe they had permission to cut them down; consequent impact on wildlife
- Bat roosting boxes and swift boxes should be included
- Builder is planning on using the strip of unregistered land that is not shown on the plans
- Concern re refuse collection arrangements
- Impact on planning permission ref. H14-0634-19
- Site Location Plan is incorrect as builder does not own the thin strip of land to the north of 170 Spalding Rd
- Concern re adequacy of access to deal with additional vehicles in conjunction with the other 4 new houses
- Query where refuse and recycling to be collected from
- Discrepancies between plans/documents

PLANNING CONSIDERATIONS

Principle

The site is located within Pinchbeck's settlement boundary and is identified as a housing allocation in the South East Lincolnshire Local Plan (March 2019) - Pin025 - with a capacity of 11 dwellings. The principle of residential development on the site has therefore already been established.

Layout, Density, Scale and Appearance

The proposal is for 2 x 3 bed detached bungalows and 3 x 4 bed two-storey houses served by a private drive.

Concern has been raised about the appearance of the development, as well as the proposed density. The proposed dwellings are clearly of a different character to the frontage development to Spalding Road, however there are new build dwellings to the east of the application site which are modern in appearance and, overall, the character of the wider area is varied. Furthermore, the front projection with front gable adds character to the dwellings. There are therefore no objections to the visual appearance of the proposed dwellings. Furthermore, the scale of the proposed dwellings is not unduly at odds with existing development in the vicinity. There are already a number of large detached properties along this part of Spalding Road. No specific reference to the development comprising solely of bungalows can be found in previous applications and there were no conditions imposed restricting the development to single storey.

With regard to density, Policy 11 of the Local Plan sets out an indicative capacity for the site of 11 dwellings. It is therefore not out of keeping with the Plan's intentions. The previous outline approval for the site was also for 5 dwellings (ref. H14-1187-17).

In terms of materials, the proposal is for Crest Atlanta Grey bricks, Crest Concrete Smooth Anthracite Grey roof tiles, silk grey windows and black doors. Although grey bricks are not a traditional material of construction in South Holland, the development will be positioned to the rear of frontage development and new builds to the east are both buff and red brick, therefore setting a precedent for variation in terms of materials. The proposed materials are considered acceptable on that basis.

Full landscaping details can be dealt with by means of a condition.

A single storey annexe is proposed as part of the Hanworth house type (Plot 5). This shall be conditioned to only be occupied by family members and/or friends of the occupants of that dwelling. The scale of the annexe is appropriate for the size of the dwelling and plot.

There is a requirement for finished floor levels to be raised by 500mm as a flood mitigation measure. It is not anticipated that the raising of levels by this extent would have a material impact

on the character and appearance of the area given that the site is set behind existing frontage development.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Highway Safety and Parking

Concern has been raised regarding the suitability of the existing access road off Spalding Road to deal with further vehicles generated by the proposed dwellings. However, the Highway Authority have been consulted on the application and have not objected on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards for new developments. This sets out a requirement for 2 vehicle parking spaces for dwellings with up to 3 bedrooms and 3 vehicle parking spaces for dwellings with 4 or more bedrooms. Between the garaging and the driveway space provided, the proposal complies with this requirement.

Private Drives

A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against

unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

The proposal is for all dwellings to be served by a private drive and the applicant is intending to provide for a private waste collection from individual properties. This arrangement satisfactorily complies with the hierarchy outlined above.

Residential Amenity

The separation distances between Plots 3 - 4 and no's 160, 164, 166 and 168 Spalding Road are in excess of 21m, which is the generally accepted distance for achieving acceptable standards of amenity. The garages to these plots are set in by a minimum of 1.2m, again being over 21m from the frontage properties on Spalding Road, and have no windows overlooking existing dwellings. There are also mature evergreen trees to the rear of no's 166 and 168 which provide good screening. There is therefore not considered to be a material overlooking, overbearing or loss of light impact in this regard. The garden of 172 Spalding Road extends along the southern boundary of the site, but the dwelling on Plot 5 is set in from that boundary by a minimum of 6.5m which minimises the overlooking impact such that it wouldn't be material in planning terms. It would also be in excess of 21m from the dwelling at no. 172.

A separation distance of over 21m is achieved between facing windows in an easterly direction. The garage to Plot 2 and the home art studio to Plot 5 are both single storey in scale, and being to the west, would not result in a material overbearing or overshadowing impact.

Plots 1 and 2 are in reasonably close proximity to new build bungalows to the north on Rainbow Court. There is approx. 9m separation between 1 Rainbow Court and Plot 1. This is at the limit of what is acceptable and only marginally less than the gap between no's 2 and 3 Rainbow Court. The side facing window to Plot 1 would be obscure glazed and therefore create no overlooking impact. The rear windows to Plot 2 face no. 3 Rainbow Court, but the latter's side elevation only contains a bathroom window and thus would be obscure glazed.

A condition will be added that the home art studio is not used for commercial purposes to control the intensity of use.

Impact on outlook and additional noise from new properties is a consideration, but one which only carries very limited weight in the overall planning balance, particularly given the small number of dwellings proposed.

There is a requirement for finished floor levels to be raised by 500mm as a flood mitigation measure. It is not anticipated that the raising of levels by this extent would have a material amenity impact, although full details of existing and proposed floor and ground levels (including cross-sections where relevant) can be secured by condition, as can boundary treatment details.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

In terms of finished floor levels, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) identifies flood hazard in 2115 as a combination of 'danger for some' and 'low hazard' and flood depth in 2115 as up to 0.5m. The submitted flood risk assessment therefore recommends that finished floor levels be raised 500mm above existing average ground level.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to be made to the existing Anglian Water network for foul water disposal. There are no known permeability issues in this area that would preclude the use of soakaways.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Other Considerations

For completeness, the remaining points of objection are considered below.

Conifer trees that have been felled sat on unregistered land and don't believe they had permission to cut them down; consequent impact on wildlife - The felling of the trees and land ownership is a civil matter and previous permissions have not required their retention.

Builder is planning on using the strip of unregistered land that is not shown on the plans - This is speculative and planning permission would likely be required for its use.

Site Location Plan is incorrect as builder does not own the thin strip of land to the north of 170 Spalding Rd - Certificate A has been completed on the application form which indicates that all the land within the red line is in their ownership. No clear evidence has been submitted to suggest that this is incorrect.

Impact on dwelling approved by virtue of H14-0634-19 (outline application for single dwelling) - It is considered that a modest single storey dwelling with appropriately sited fenestration could still be accommodated if a Reserved Matters application were to come forward.

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 application site lies within the settlement boundary for Pinchbeck and is identified as a housing allocation in the South East Lincolnshire Local Plan (March 2019) - Pin025. The principle of residential development in this location is therefore acceptable. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of residents. There are no material highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk and drainage matters are considered to have been appropriately addressed. The proposed waste collection arrangements are in accordance with the hierarchy set out in the Council's 'Private Drives - Waste Vehicle Collection Service' guidance note.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019).

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.

N.B. This application was presented to Chairman's Panel on 10th December 2021 and members were content with a delegated approval.