DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0706-22**	**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 - approved under H14-0012-22. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Cecil Francis Business Park Bear Lane Pinchbeck		
Terminal Date:	7th September 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	1	0	0
WARD MEMBER	0	0	0	0

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

CASE OFFICER ASSESSMENT

Proposal

Section 73 modification - 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 - approved under H14-0012-22. Modification of Condition 2 to allow amendments to previously approved plans.

Specifically, post-approval it has come to light that the right of access that the owner of Graft House enjoys across the applicant's site is slightly different from that which was believed to be the case. Consequently, it is not now possible to construct the proposed detached garage for plot 4 in the approved position. The applicant does not feel it appropriate to try to squeeze the garage in elsewhere on the plot and so it is to be omitted in favour of simply enclosing the rear garden of Plot 4.

Revised plans have been submitted to indicate the parking arrangements for Plot 4.

Site Description

As host consent.

History

H14-0012-22. 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. APPROVED. 18-03-22

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

H14-0316-96. 20 Bear Lane. Erection of dwelling. REFUSED. 09-08-96

Consultation Responses

Pinchbeck Parish Council

Pinchbeck Parish Council recommend approval.

Support this planning application.

SHDC Environmental Protection

No objection.

LCC Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

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 amendments would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

LCC Historic Environment Officer

This office has no observations to make regarding the proposed amended plans as they do not alter our previous recommendation.

Welland and Deepings Internal Drainage Board

No comments to make.

Historic England

No comment.

Public

One expression of support.

Planning Considerations

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 principle of this development proposal has been agreed by the recent grant of consent for the works, as set out in the history section above.

Layout and Design

The internal proposals have not changed since the original grant of consent.

This application now excludes a garage to Plot 4 and proposed fencing to the plot, along with the retention of elements of hardstanding to be used for the parking of domestic vehicles for Plot 4.

Refuse collection

Refuse collection for each dwelling would be from the public highway of Bear Lane, as previously approved.

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.

The revised parking arrangements for Plot 4 are considered to be acceptable.

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 removal of the garage and realignment of Plot 4 enables the right of access to Graft House to be maintained.

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 floor 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 teh 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 previous concerns of the SHDC Conservation Assistant (Tree Preservation).

It is recommended that the permitted development rights for Plot 4 regarding garages and outbuildings are removed, in order to retain control over works that may impact on trees.

Contaminated Land

The previous concerns of the SHDC Environmental Protection Officer were addressed and a condition is suggested in the event of unexpected contamination being found, which is consistent with the previous consent.

Heritage and Archaeology considerations

The impacts on the conservation area and the setting of the adjacent listed building have not significantly changed from the previous consent. The removal of the garage to Plot 4 is an improvement to the setting of the adjacent listed building.

Conditions regarding archaeology are suggested which is consistent with the previous consent.

Biodiversity

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

Swift 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, which is consistent with the previous consent.

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 (NPFF), 2021.

The 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.