

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0989-22	Applicant:	Mr Ford & Mr Kent
Proposal:	Replacement Dwelling		
Location:	Bridge House Northgate Pinchbeck		
Terminal Date:	20th December 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
22	Replacement Dwellings in the Countryside
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	2
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is an outline application for a replacement dwelling with all matters reserved at Bridge House, Northgate, Pinchbeck. Matters related to design, layout, materials of construction, boundary treatment, landscaping and new access points would be addressed at the reserved matters stage.

A message was sent on the 18th of May 2023 requesting details of a bat / protected species report, and a historic impact statement with a 7 day deadline for a response. A response has not been forthcoming. These details were first requested from the agent on the 15th of December 2022. These matters carry material weight in assessing the planning application and cannot be addressed by condition.

SITE DESCRIPTION

The application in planning terms is located in the "open countryside" outside of the defined settlements of Pinchbeck to the south-east beyond the railway track. A dwelling named Corden is sited to the west with arable fields to the north, Glen House to the north-east, The Ship public house to the south-east, with the River Glen to the south and detached dwellings beyond. The replacement dwelling would likely be within Environment Agency Flood Zone 2, with the southern boundary adjacent the River Glen in Flood Zone 3. The site is within a Low Hazard Area with a "Danger for Most" hazard area to the north boundary, and a maximum predicted flood depth of 0.25 metres for the majority of the site and 0.5 metres on the northern and western boundaries on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Environment Officer

"The building proposed for demolition is of traditional construction and appears to be relatively un-modernised. The building is recorded on the earliest historic mapping from the 1880s, although a building also appears to be shown here on the 1815 Ordnance Survey drawings held by the British Library. Bridge House is therefore likely to be at least 140 years old."

"The developer has provided no information on the building's significance and nor is any justification provided for its demolition and replacement with a new dwelling. This is not in accordance with the National Planning Policy Framework (section 16, paragraph 194) or the South East Lincolnshire Local Plan (Policy 29f)."

"The site is also situated within an area of archaeological potential. Opposite Bridge House to the north side of North Gate an archaeological evaluation within 'Abbey Field' has revealed evidence for relatively high status medieval occupation, with imported stone and brick buildings likely located within that site, as well as later post medieval flax processing industry once the medieval building had gone out of use. An L-shaped fish pond or moat like feature is illustrated on 19th century mapping immediately to the west of, and on the same alignment as Bridge House, which may be associated with this known medieval occupation site, potentially having linked it to the River Glen."

"If however, the local planning authority is minded to grant permission it is recommended that the developer should be required to commission a Scheme of Archaeological 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. Initially it is envisaged that this would involve full historic building recording of the historic Bridge House prior to its demolition, as well as archaeological monitoring and recording during all subsequent groundworks, including the grubbing out of any existing foundations."

Lincolnshire County Council - Highways & SUDS Officer

No objections.

Environment Agency

"This proposal comes under cell E8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice."

Lincolnshire Bat Group

"There appears to be no reference to protected species on the application form, but given the property's proximity to the River Glen, a major foraging area for bats, a bat survey should be carried out on this building, and if evidence of use found the appropriate mitigation should be put in place."

Black Sluice Internal Drainage Board

Requests foul and surface water drainage details at the reserved matters stage.

"There are a number of watercourses bounding or crossing the site. The large open watercourse to the south (the River Glen) is an Environment Agency Main River and as such consent will be required from the Agency for any works affecting this watercourse, or for any works within 8 metres of the landward toe of the embankment."

"There is also a pipeline which lies on the eastern part of the site, extending from the existing outfall structure and slacker door on the bank of the River Glen, under the highway, and into the open watercourse along the frontage of Glen House to the north of the highway. Within common law, the owner of the property in question is deemed to have ownership and maintenance responsibility for this pipe, unless proved otherwise in writing. Please check your deeds."

"The applicant will therefore be expected to ensure that their proposals for the replacement dwelling do not affect this pipeline in any way. The Board's recommendation would be for no footings or foundation structures of the new dwelling within 5 metres of the piped structure. Any other structures, such as sheds, fences, etc, shall be placed entirely at the applicant's risk."

Members of the public - 3

"Fully supportive of one house on this site, providing it is in keeping with area and does not obstruct visibility for traffic on the bend of the road. The height of the house must not exceed others on that road and a traffic plan needs to be in place to ensure safety during the build."

Common pipistrelle bats flying through the site during the season.

- The plans state that two dwellings are to be sited - The member of the public is referring to the submitted pre-application given by the Case Officer and the enquirer was informed that an additional dwelling would not be supported on this site, due to the site being located outside of defined settlement limits.
- The Building has been on site since 1820 - Not a matter of material planning weight.
- The Building should be listed - Not a matter of material planning weight.
- The footprint and height of the replacement dwelling should not be greater than that of the existing dwelling - Not a matter of material planning weight.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Countryside

Policy 1 of the SELLP is therefore applicable. It is aimed to define a local spatial strategy from which new development should be steered to most sustainable locations. This Policy also establishes a settlement hierarchy that indicates the most and least sustainable locations. It goes on to state that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

The nature of the proposal is to replace the existing dwelling on the site. Therefore, the development cannot be proposed elsewhere. Thus, the principle of replacing the existing dwelling for a new house is acceptable subject to other material planning considerations.

Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

When assessed against the relevant criteria the following can be observed:

1. Whilst the dwelling is not currently inhabited, with renovation works the dwelling can be brought back to habitable standard.
2. The original building is permanent, has not become derelict and is not the result of a temporary permission.
3. Whilst the building is old it is not listed or subject to an Article 4 Direction.
4. The replacement building design would be assessed at the reserved matters stage.
5. The positioning of the dwelling and the impact on the character and appearance of the area would be assessed at the reserved matters stage.
6. The floor area of the replacement dwelling would be assessed at the reserved matters stage.

This application accords with SELLP Policy 22.

Non submission of bat report, protected species report and historic impact assessment

The non-submission of this requested information is a material factor when assessing this application. An informed assessment as to the likely impact of approving this proposal can not be made. This information was first requested in December 2022. Detailed studies as to the presence of bats and protected species have to be received prior to determination. This is because expert observation needs to be taken so that any habitat that is likely to be disturbed as a result of development is removed sympathetically and any animals on site removed or provided with the appropriate accommodation such as bat boxes to enable them to stay in the vicinity of the site in which they live.

Whilst Bridge House is not currently inhabited it remains structurally sound and capable of

habitation. The dwelling is over 140 years old and is not listed, subject to an Article 4 direction or located in a Conservation Area. It is however considered to represent a traditional Fenland dwelling design and be a non-designated heritage asset. A detailed report is required to justify its removal and as and when necessary record any building elements of interest during and post demolition.

Despite repeated attempts to secure this information, it has not been forthcoming. The application must therefore be determined on the basis of the information the Local Planning Authority holds.

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 proposal satisfactorily complies with policies within the South East Lincolnshire Local Plan, 2019. However, there are material factors that required addressing prior to determination concerning bats, protected species and a historic impact statement. The Local Planning Authority has waited over six months for these details which have not been forthcoming, therefore, it is considered that there are insufficient details provided to determine the application for approval.

CONCLUSION

This application is recommended for refusal.

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.