

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0097-24 **Applicant:** Mr M Benjamin

Proposal: Realign drive to position approved under H16-0687-01, proposed railing & sliding gate, install lamp columns within fence line & install lamp columns to replace those previously removed from front garden

Location: Mercia Lodge 65 Pinchbeck Road Spalding

Terminal Date: 18th April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the re-alignment of the driveway at Mercia Lodge, 65 Pinchbeck Road to the position which was approved under H16-0687-01. This work also includes a proposal to construct a

new timber fence with a brick post and rail fence with gate toward the front of the site. The repositioning of the driveway does not explicitly require additional consent, as the 2001 consent was commenced and largely implemented, meaning that consent remains valid and active. However, it is the erection of a new boundary fence which automatically requires planning permission in the grounds of a listed building.

Site Description

Mercia Lodge is a grade II listed house, most recently used for offices. It has been vacant for a substantial period of time, and has begun to become derelict, particularly on the interior, where wall and ceiling surfaces have fallen and internal timbers are beginning to waste.

Historic England describes the building like so;

"House, now offices. c1867. For G F Barrell, by his brother Edward Barrell of Rochester. Yellow brick with shallow hipped Welsh slate roof with overhanging eaves supported on paired brackets. 2 storey, 5 window front arranged 2:1:2. Central bay projects slightly, central doorway reached up flight of 8 steps with coped side walls and square piers supporting iron vases, half glazed panel door. Projecting brick pilaster door surround with entablature and flat hood. Either side are single canted bay windows with moulded ashlar cills. Above central round arched 2-light casement window, flanked by pairs of similar windows on either side, each corner is emphasized by a plain pilaster. Hipped roof surmounted by a cast iron ridge piece with 2 outer finials and a taller central finial.

The rear extension impacted by this application is a mid-c20th addition and is of no value to the listed building whatsoever. It represents an inappropriate addition to an otherwise fine example of the building's type.

The immediate setting is within the conservation area, and Pinchbeck Rd can easily be considered one of the most important sections of the Spalding Conservation Area (SCA), containing a large amount of handsomely designed Victorian and Edwardian houses, along a tree-lined avenue. The road forms one of the primary routes into and out of the town, and as such bares a heavy impact upon the appreciation of the town.

History

H16/1186/91. Mercia Lodge. 65 Pinchbeck Road. Existing dwelling to be used as offices (registered as H16/0054/90). Approved 15-05-92, with a S106 to control the use of the property as Class B1a offices and the protection of landscaping. This S106 is still extant.

H16-0687-01. Mercia Lodge, 65 Pinchbeck Road. OUTLINE. Erection of two dwellings. Refused. 8.10.2001. Allowed on appeal 1.8.2002.

H16-0606-16. 63 Pinchbeck Road. Residential development of one chalet bungalow following the refusal of H16-0263-15. Refused 6.02.2017. Appeal dismissed 18-05-2017

H16-0520-22. S191 LAWFUL USE CERT. The use for which a certificate of lawful use or development is sought, is the change of use of the building known as The Annexe from office use, to a lawful use as a separate, independent residential planning unit falling under User Class C4. APPROVED 16.8.2022.

H16-0654-21. Change of use of residential annexe to one C3 private dwelling separate from the host building, including minor alterations to boundary treatments.. APPROVED 16.08.22

H16-0783-23. Internal & external alterations to lower ground floor utility area to rear of dwelling - Retrospective. APPROVED 31-10-23

Consultation Responses

Spalding and District Civic Society

No objections

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Heritage Impact
- Residential Amenity
- Highway Safety and Parking

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the historic environment in the form of the host listed building. The repositioning of the existing fence to a straight format offers very little visual alteration to the appreciation of the site. The proposed new railings to the front of the site are proposed to match stylistically to those railings and piers already featured on the front boundary of the property, and this translates equally into the proposed new gate, which would be of a sympathetic style, utilising heritage appropriate materials. Finally, the proposed lighting columns are of an exceptionally high quality and of a style which befits the Victorian styling of the property, replacing existing plastic units, in a mock Victorian and obviously inappropriate style.

Paragraph 205 of the NPPF categorises harm to heritage assets within 3 classes; substantial harm, total loss, or less than substantial harm. In this instance, all of the elements of the proposal are deemed to be either neutral in impact or improvements to the state of the historic building, and therefore the wider historic environment. As such, in this instance, no harm is identified and therefore, the proposal may be considered to assist in conserving the historic environment. Consequently, the impact of the proposal upon the historic environment is deemed to be acceptable.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal seeks only the realignment of a fence, which is also to be extended further toward the front of the site. At no point is any section of the proposed fence suggested to exceed 1.8m in

height, which is no higher than existing boundary treatments on site. Because of this, and because of the distance of the effected area from any residential properties, it is not considered that this proposal presents any undue risk to residential amenity, particularly in terms of loss of access to light.

Highway Safety and Parking

The proposal site features a large shared access and private driveway and parking area with ample room for multiple cars. This proposal does not seek to change that, and resultant access and availability of parking provision for residents shall not be negatively effected.

Furthermore, the LCC highways authority have been consulted and confirmed that they have no objections to the proposal

Conclusion

Taking into account the considerations above, the proposed development is considered to comply with Policies 2, 3, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Paragraphs 130 of the National Planning Policy Framework (NPPF), 2021.

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.