DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0950-24**	**Applicant:**	**Mr L Smith**
Proposal:	Details of foul & surface water disposal, window frames & roof lights (Conditions 3, 7 (partial) and 8 of H14-0440-24)		
Location:	8 Spalding Road Pinchbeck Spalding		
Terminal Date:	8th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section(s) 12, 14, and 16 of the National Planning Policy Framework (2024) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This condition discharge application is for the discharge of conditions 3, 7 and 8 of H14-0440-24.

Condition 3 read as follows:

"Before its installation, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased

risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023."

Condition 7 read as follows:

"Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this listed building and the conservation area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, December 2023."

Condition 8 read as follows:

"Prior to their installation full details of the proposed roof light(s) shall be submitted to and approved in writing by the Local Planning Authority. The roof light(s) shall be installed in accordance with the approved details and thereafter so maintained.

Note: The applicant is advised that a flush fitting rooflight of traditional design, having a slim metal frame and central vertical glazing bar, would be appropriate.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this listed building and the conservation area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, December 2023."

It should be noted that the applicant only seeks partial discharge of condition 7, and as such, only details of the proposed gothick style windows have been submitted.

Site Description

As in host application

History

As in host application.

Consultation Responses

Pinchbeck Parish Council

No comment.

LCC Highways and Flood Authority

No objections

Planning Considerations

Condition 3

The applicant has submitted details of the proposed drainage systems and soakaway. The local flood authority have been consulted and raised no objection. Given the site is an existing building, it is not considered that the proposal would alter local drainage conditions.

Therefore, the details are satisfactory and the condition may be discharged.

Condition 7

The applicant has supplied details of the proposed gothick window on the first floor western elevation. The details would appear acceptable. The applicant's covering letter has confirmed that upon investigation it was not considered possible to repair this window and now a replacement is proposed in this condition compliance. However, the original application proposed to repair the existing window on the western elevation at the first floor level, not replace. This proposal, therefore, requires an entirely new Listed Building Consent and cannot be approved by means of a condition compliance. As the original permission did not seek replacement of this window, condition 7 did not relate to this work and as such, this condition compliance application cannot be approved.

Condition 8

The applicant has submitted details of the proposed velux rooflights, which are aluminium in construction with a central glazing bar as instructed in condition 8. The details therefore are considered acceptable and this condition could be discharged.

Conclusion

The details relating to conditions 3 and 8 appear acceptable and compliant with conditions 2, 3, 29 and 30 of the SELLP in addition to Sections 12, 14 and 16 of the NPPF. However, the details supplied for partial discharge of Condition 7 do not relate to works permitted under H14-0440-24 and would require separate Listed Building Consent to lawfully implement. This application therefore cannot be approved and thus, the recommendation is to refuse.

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.