

DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|------------------------|--|-------------------|------------------------------------|
| Application No: | H14-1017-25 | Applicant: | Venture Business Space Ltd. |
| Proposal: | Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear - approved under H14-0219-22. Modification of Condition 2 to allow amendments to previously approved plans | | |
| Location: | The Bell Inn 33 Church Street Pinchbeck | | |
| Terminal Date: | 16th January 2026 | | |

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

| | |
|------------|---------------------------|
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

| | Object | Support | No Obj. | Comments |
|--------------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| ENVIRONMENT AGENCY | 0 | 0 | 0 | 1 |

| | | | | |
|--|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 3 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 3 |
| RESIDENTS | 1 | 0 | 0 | 0 |

CASE OFFICER ASSESSMENT

Proposal

This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended). Planning permission was achieved for the conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear - approved under H14-0219-22.

The application form states that the proposed variations are:

- Scheme proposals amended to show change of location to residential plot & omission of Eggleton house type to plot 8 to be replaced by a handed Braunston house type (approved on plot 7).
- Overall scheme proposals amended following review by applicant, including the use of an existing access to the north of the Bell Inn to serve the dwellings to the rear.

In addition to this, the plans submitted show that there will be changes to the landscaping, removal of garden area associated with the approved apartments, reduced size bin and cycle store, new fencing locations. There is also a large parking area relocated to the south west of The Bell Inn, this shows 9 number spaces for the apartments, same as previously approved. This was previously located directly behind the apartments.

The application fails to provide any plans for the approved apartments (Bell Inn conversion), nor does it provide any plans for the 'handed' Braunston house type proposed for plot 8.

The applicant has provided in support of the application:

- A copy of the Planning Application Form including Certificate A and the Agricultural Land Declaration.
- A Pdf copy drawing 8738s/PA51A showing the proposed site plan to the development.
- A pdf copy of the Planning Statement as prepared by Chris Kendall including suggested amendments to the Conditions. This planning statement covers two applications, this one and a refused application for the conversion of the 'Bell Inn' to form a local convenience store (see planning history).

Site Description

The application site relates to the Bell Inn public House which fronts Church Street opposite the junction with Church Walk. The site benefits from an extant planning permission to convert the

building into residential apartments (as part of a larger scheme), this relates to The Bell Inn and its former paddock. The Bell Inn appears on original OS mapping. Though with a smaller footprint, the front entrance was blocked up during the 20th Century.

The PH is at present boarded up with Heras fencing preventing access to its rear. It is finished in a cream painted facing brick with black soldier course and advertising to the front. The building is bookended by chimneys and to the rear is more ad hoc and has with former extension providing a more irregular aesthetic (to its formal frontage).

The proposal is within defined settlement limits of Pinchbeck (and Spalding) and is also located within the conservation area, the surrounding area is characterised by buildings of varying ages and designs. A Fish & Chip Shop (creatively named the Pinchbeck Friar, given its location close to the church (and its function)) is located to the south of the Bell Inn, this has space for patrons to park to the front.

The closest listed buildings are located to the north, on Church Street. There is also a listed building, 'Former Doctors Surgery' located on Church Walk, all of which are Grade II. The Parish of St Marys which is located to the south of the Bell Inn is a Grade I listed building.

The site is within Pinchbeck Conservation Area. The site is in Environment Agency Flood Zone 3, but low risk in terms of the South East Lincolnshire SFRA.

History

H14-1002-25 - Proposed change of use of ex-Bell public house to fall within Use Class E including part demolition, single storey rear extension and external works including hard and soft landscaping, external lighting and plant compound. Refused

H14-1131-92 Full - Replacement windows - Refused - 11 December 1992.

H14-0621-94 Full - Domestic garage and shed - Approved - 11 October 1994.

H14-0097-96 Full - Dining room extension - Approved - 30 April 1996

H14-1172-17 Full - Demolition of existing building; creation of new single-storey A1 retail unit, with associated car park and rear yard area (with fencing); creation of new access road into site, with turning area for delivery vehicles; removal of trees - Application Withdrawn - 26 March 2018.

H14-0219-22 - THE BELL INN - Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear. Approved 06-04-23

H14-0583-25 - Proposed change of use of ex-Bell public house to fall within Use Class E including part demolition, single storey rear extension and external works including hard and soft landscaping, external lighting and plant compound. Withdrawn

Consultation Responses

Anglian Water

Foul Water Comments: There are no documents pertaining to foul drainage disposal methods and subsequently Anglian Water are unable to make comment at this time

Surface Water Comments: There are no documents pertaining to surface water drainage disposal methods and subsequently Anglian Water are unable to make comment at this time.

IDB

Since my previous comments dated 26th November 2025, the consulting engineer has directly provided me with their report which explains the existing situation regarding surface water disposal which now enables me to provide the following comments.

Based on the submitted information of a total impermeable area of 0.1799 ha and a maximum flow restricted to five litres per second, this results in a development contribution of £10,195.92 payable in advance of connection. Please note that development contributions are subject to annual increase in line with RPI.

Prior to connection, the receiving watercourse is to be inspected to see if it is capable of taking any additional flows and, if not currently suitable, then it would need to be brought up to a suitable standard.

Environment Agency

We did not recommend Condition 2 on application H14-0219-22 and therefore have no comment to make on this application.

Highways & SuDs

The proposal is for minor amendments to Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear - approved under H14-0219-22. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments proposed now show the use of the existing access/egress arrangements and this will not have an adverse impact upon the public highway or surface water flood risk. No Objections 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 development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Crime Prevention Officer

Lincolnshire police do not have any objections to this application.

Conservation Officer

The amendment seems only to propose expanded parking provision for the Bell Inn towards the front of the plot. Notwithstanding any other planning concerns, I do not wish to raise any objections to this proposal on built heritage conservation grounds.

The relatively minor alterations to the quantity of paved surface should not materially affect the manner in which the Bell Inn is appreciated from public views.

Housing Strategy

The LHA has no objection to this application as the original full planning application (Ref: H14-0219-22) for this site already secures the provision of four affordable homes, comprising three rented units and one First Homes unit, as set out in the signed Section 106 Agreement. According to the approved plans, these units consist of one 1-bed/2-person First Homes unit and, within the rented element, two 2-bed/4-person units and one 1-bed/2-person unit.

We note that the previously submitted plans indicate that all affordable units meet the Nationally Described Space Standards (NDSS).

The Local Housing Authority is happy to engage in further discussion on the proposals outlined above, on the basis that the current Section 106 Agreement remains unaltered.

Historic Environment Officer

Thank you for consulting us on this. As a result of Condition 10 of H14-0219-22, the proposed site is currently undergoing an archaeological evaluation yet to be completed. This evaluation will provide sufficient information to enable the local planning authority to make a reasoned decision regarding the potential impacts on below-ground heritage assets of archaeological interest and to assess the necessity for archaeological mitigation. This will be assessed and recommended once the evaluation works are completed and the evaluation report is submitted. No objection to modification of Conditions 2, of H14-0219-22.

Environmental Protection

Land Contamination - This relates to application H14-1002-25 and is the same location where a Phase 1 and Phase 2 survey has been submitted. I have reviewed Solmek Ltd Phase 2: Site Investigation for the Bell Inn, Pinchbeck, Report M25-083, Dated September 2025, Issue 4. This report suggests that due to elevated PAH levels found in one soil sample remediation will be required to make the soil safe for the proposed end users. I am in general agreement with this report. I note that at the time this report was published, ground gas monitoring was being undertaken. I request to see the results of this ground gas monitoring before the client submits their

remedial method statement.

Representations

This application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015. An objection has been received. The objection is mainly based upon highway safety concerns, describing how the development may result in potential accidents given the ad hoc parking relating to nearby commercial businesses.

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 (December 2024) 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.

Evaluation - Section 73

The proposal relates to the variation of Condition 2 of H14-0219-22 through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with Condition 2 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'. The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.

The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".

There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved". In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to conditions which go beyond 'minor' amendments.

It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

Planning Considerations

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary Condition 2 of planning permission H14-0219-22. The proposed amendments relate to revisions to the approved site layout and access arrangements, including changes to the location and design of certain residential plots, alterations to landscaping, parking, bin and cycle storage, and boundary treatments.

A key element of the revised scheme is the use of two access points to serve the development, with one access likely to serve the conversion of the former Bell Inn into apartments, and a separate access to serve the nine detached dwellings to the rear of the site. This represents a change from the previously approved access arrangements and forms part of the assessment below.

In determining an application made under Section 73, the Local Planning Authority is required to consider only the acceptability of the proposed variation to the condition in question. The principle of development, having been established by the original planning permission, is not revisited. The assessment therefore focuses on whether the proposed amendments would result in any material harm when compared to the approved scheme, and whether they remain compliant with the relevant policies of the development plan and national planning guidance.

Having regard to the nature and scope of the proposed changes, the key matters for consideration in the determination of this application are:

- The scope and appropriateness of the proposed amendments under Section 73
- Heritage and design impacts, including effects on the conservation area and nearby listed buildings
- Amenity and environmental impacts
- Highway safety impacts, including the revised access arrangements
- The reattachment and continued applicability of relevant planning conditions
- The ongoing security of the approved Section 106 obligations
- The overall planning balance

Scope of S73

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of conditions attached to an extant planning permission, provided that any such variation does not result in a conflict with the description of development. This principle was clarified by the Supreme Court in *Finney v Welsh Ministers* and has been consistently reaffirmed in subsequent case law.

The courts have established that a Section 73 application cannot be used to authorise development which would be inconsistent with the operative description of development. Importantly, the threshold for conflict does not need to be fundamental or substantial; any inconsistency that is more than de minimis would render a Section 73 permission unlawful.

In the present case, the description of development under planning permission H14-0219-22 relates to the conversion of the former Bell Inn into five flats and the erection of nine detached bungalows to the rear. The proposed amendments seek to vary Condition 2 to allow revisions to the approved layout, access arrangements, plot configuration and associated landscaping and parking. These changes do not alter the nature, amount or use of the approved development.

Although no amended plans have been submitted for the approved apartment conversion itself, the submitted site layout plan demonstrates that the Bell Inn conversion remains in situ and continues to form part of the approved scheme. The amendments do not seek to re-designate or remove the approved apartments, nor do they introduce any new or conflicting form of development. This application remains distinct from the recently refused proposal (H14-1002-25) to convert the Bell Inn to apartments.

Accordingly, the proposed changes remain within the operational scope of the original permission and do not conflict with the description of development. The application is therefore considered to be appropriately made under Section 73 of the Act.

Heritage, Design, Layout and Archaeology

Policy 29 of the South East Lincolnshire Local Plan seeks to ensure that distinctive elements of the historic environment are conserved and, where appropriate, enhanced. Within Conservation Areas, development should preserve or enhance their character and appearance, respect historic street patterns and building forms, and safeguard both designated and non-designated heritage assets and their settings. The policy also requires that archaeological remains are appropriately assessed, protected and, where necessary, mitigated through proportionate investigation and recording.

Policy 2 (Development Management) and Policy 3 (Design of New Development) require development to demonstrate high-quality design, an appropriate relationship with surrounding land uses, and a layout that respects local character and residential amenity. The approved house types, scale and form of development remain unchanged from the extant permission, and the revised layout continues to provide a clear distinction between public and private spaces, appropriate parking provision, and a coherent arrangement of plots and access routes.

The application site lies within the Pinchbeck Conservation Area and includes the former Bell Inn, a non-designated heritage asset, with a number of listed buildings located within the wider townscape. The principle of redevelopment of the site, including the conversion of the Bell Inn to residential use and the erection of nine detached bungalows to the rear, has already been established through the grant of planning permission under H14-0219-22. That permission approved the scale, form, house types and overall disposition of development across the site.

The current Section 73 application does not seek to alter the description of development, the number of dwellings, or the approved house types. Instead, it proposes amendments to the approved layout, access arrangements and associated landscaping and parking provision. In heritage and design terms, these changes are limited in scope and do not undermine the basis on which the original permission was granted.

The revised parking area associated with the Bell Inn apartments is proposed to the south-west of the building and would be largely screened from public views by the Bell Inn itself. As such, the parking provision would not appear visually intrusive within the street scene along Church Street, nor would it adversely affect views into or out of the conservation area. The Council's Conservation Officer has confirmed that the proposed amendments would not materially affect the manner in which the Bell Inn is appreciated in public views.

The amended layout retains the historic building line of the Bell Inn, respects the established hierarchy between the frontage building and the residential development to the rear, and does not introduce new built form that would compete with nearby heritage assets, including the Grade I listed Church of St Mary. The proposal therefore preserves the character and appearance of the conservation area, consistent with Policy 29 and the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In relation to archaeology, the original planning permission was subject to a condition requiring archaeological evaluation and, where necessary, mitigation. This condition remains in force and is currently being implemented. The Historic Environment Officer has confirmed that the evaluation will provide sufficient information to assess any impacts on below-ground heritage assets and to determine whether further mitigation is required. The proposed Section 73 amendments do not increase archaeological impacts beyond those already assessed, and the continued application of the archaeological condition ensures compliance with Policy 29.

Matters relating to hard and soft landscaping, external materials, boundary treatments and fencing are controlled through planning conditions attached to the original permission. These conditions will be reattached to any Section 73 permission to ensure that the detailed appearance of the development remains appropriate to its conservation area context.

Overall, having regard to the extant planning permission, the limited scope of the proposed amendments, the screening of parking areas by the Bell Inn itself, and the continued control secured through conditions relating to design, landscaping and archaeology, the proposal is considered to accord with Policies 29, 2 and 3 of the South East Lincolnshire Local Plan.

Amenity and Environmental Impacts

Policy 2 of the South East Lincolnshire Local Plan requires development to be appropriate in terms of its size, scale, layout and relationship to neighbouring land uses, and to avoid unacceptable impacts upon residential amenity by way of noise, disturbance, visual intrusion or traffic generation. Policy 30 (Pollution Development) further requires that development does not result in unacceptable adverse impacts on the amenities of the area, having regard to noise, air quality, light, land condition and other environmental factors, taking account of any proposed mitigation.

The site is located within an established residential environment, with the former Bell Inn positioned along Church Street and residential properties located to the north, east and west. The principle of residential redevelopment of the site, including the conversion of the Bell Inn and the creation of residential access arrangements, has already been established through the extant planning permission. The assessment below therefore focuses on whether the proposed Section 73 amendments would give rise to materially different amenity impacts.

Residential Amenity - Noise, Disturbance and Traffic

The proposed amendments would result in two separate access points serving the development: one associated with the conversion of the Bell Inn to apartments, and a second serving the approved dwellings to the rear. This revised arrangement would result in an increase in vehicular movements using the access adjacent (north) to the Bell Inn when compared to the approved scheme.

However, it is important to note that the Bell Inn is a former public house, and the access in question could lawfully be re-established and used in connection with a public house use without the need for further planning permission. Such a use would typically generate a similar level of vehicular activity, including evening and weekend movements, servicing and customer arrivals and departures. In that context, the level of vehicular movements associated with the proposed residential use would not be materially greater than the fallback position and would, in practice, be more predictable and limited in nature.

Specific consideration has been given to the dwelling located immediately to the north of the Bell Inn. Whilst the intensification of use of the access has the potential to result in some increase in vehicle movements in close proximity to this property, the movements would be associated with residential use, would largely occur during typical daytime and early evening periods, and would not be of a nature or frequency likely to result in unacceptable harm to residential amenity. On this basis, the proposal is considered to comply with Policies 2 and 30 in respect of noise and disturbance.

Communal Amenity Space

The approved scheme included a communal garden area associated with the Bell Inn apartments. The Section 73 amendments propose the removal of this communal garden from the approved layout. This change has been given careful consideration, as access to high-quality outdoor amenity space is an important component of residential living, particularly for apartment accommodation.

In this instance, the removal of the communal garden does not in itself render the proposal unacceptable in amenity terms. The Bell Inn apartments would continue to benefit from an internal layout that meets residential standards, and the wider site benefits from a generous overall plot size. Importantly, there remains ample space within the site to provide an appropriate level of communal or shared outdoor amenity should this be required and is secured through the application of a landscaping condition.

The absence of a communal garden at this stage is therefore not considered to result in unacceptable harm, provided that the detailed landscaping scheme demonstrates how adequate amenity space will be provided and managed. This matter can be appropriately addressed through the submission of further hard and soft landscaping details, secured by condition, to ensure that the living conditions of future occupiers are acceptable and consistent with the objectives of Policy 2 and Policy 3.

Construction Impacts

During the construction phase, there is potential for temporary impacts on neighbouring occupiers arising from construction noise, dust, vehicle movements and on-street activity. In accordance with Policy 30, these impacts can be suitably mitigated through the attachment of conditions requiring a

Construction Management Plan and Construction Traffic Management Plan. These would control hours of working, construction routing, delivery times, dust suppression measures and on-site parking for contractors.

Once the development is operational, the nature of the use would be entirely residential and located within a predominantly residential context. As such, ongoing noise, disturbance and environmental impacts would be modest and consistent with the character of the area.

Having regard to the extant permission, the lawful fallback position of the former public house, the limited nature of the proposed amendments, and the ability to secure appropriate mitigation through planning conditions, the proposal would not result in unacceptable harm to the amenities of neighbouring occupiers or future residents. The development is therefore considered to comply with Policies 2 and 30 of the South East Lincolnshire Local Plan.

Highway Safety Impacts

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted, subject to sustainable development considerations being met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The separation of private and public spaces remains clear, with residential curtilages and parking areas appropriately defined and integrated into the wider layout, communal parking for apartments and parking for private housing. The landscape character of the site will continue to be shaped through controlled hard and soft landscaping, secured by condition, ensuring that parking areas and access routes are softened and visually integrated into the setting.

Parking provision for the development was assessed and accepted as part of the original permission. The amended plans do not introduce a materially different parking arrangement or intensification of use beyond that already approved. Importantly, the parking areas are positioned so that they are largely screened from the public view by the retained Bell Inn building, ensuring that they do not dominate the street scene or detract from local character.

The Local Highway Authority has confirmed that the use of the existing access and parking arrangements would not give rise to an unacceptable impact on highway safety or result in a severe residual cumulative impact on the local highway network. Parking remains fit for purpose, accessible to the units it serves, and integrated into the overall layout through landscaping and boundary treatments, which will be secured by condition.

Cycle parking and refuse storage arrangements will also continue to be controlled through condition, ensuring compliance with the qualitative requirements of Policy 36. As such, the proposal is considered to meet the objectives of the parking policy.

Taking the above into account, the proposal represents a minor amendment to an already approved scheme and does not give rise to any new or unacceptable impacts in terms of design quality, amenity, access or parking. Subject to the continued control of landscaping, materials, boundary treatments and associated details through planning conditions, the development is considered to accord with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan.

Reattachment of conditions

It is considered appropriate to reattach conditions from the original permission to ensure that the approved mitigation and design controls remain in place. The original planning permission H14-0219-22 was granted subject to 14 conditions, which addressed matters including:

- Time limit for commencement (Condition 1)
- Approved plans and documents (Condition 2)
- Design and positions of external meter boxes, flues and vents (Condition 3)
- Landscaping and tree planting (Conditions 4, 12, 13)
- Boundary treatments (Condition 5)
- Ecological mitigation measures (Condition 6)
- Construction management (Condition 7)
- Site levels and flood risk mitigation (Conditions 8 and 9)
- Archaeological evaluation (Condition 10)
- Private refuse/recycling arrangements (Condition 11)
- Water efficiency standards (Condition 14)

The time limit for commencement (Condition 1) is statutory and cannot be altered by this Section 73 application. Therefore, the commencement period for the development will remain aligned with the original permission.

Condition 2, relating to the approved plans and documents, will be updated to reflect the amendments proposed under this Section 73 application. This will include the revised site plan, the reconfiguration of the bungalows and parking layout, and the proposed use of the existing northern access, which separates access to the apartments and dwellings to the rear.

Given the removal of the communal garden there will be a requirement to resubmit the landscaping scheme and so the wording of condition 4 will alter. All other relevant previously approved plans, particularly the elevations and floor plans for the conversion of The Bell Inn into apartments, will be retained to ensure continuity of the consent and to safeguard the appearance and heritage interest of the building.

All other conditions (except condition 4) will be reattached in full. These conditions provide mitigation for heritage impacts, landscaping, tree protection, ecological measures, flood risk, construction management, archaeology, and residential amenity. No discharge applications have been submitted since the grant of planning permission; therefore, these conditions remain relevant and necessary to control and manage the development effectively.

In addition, a new condition is proposed to secure the submission of detailed plans for the "handed" Braunston house type proposed for Plot 8. This will ensure that the design and appearance of the dwelling are appropriate for the locality and harmonise with the approved scheme, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

In summary, the reattachment of conditions ensures that the original mitigation and controls continue to be enforced, while permitting the minor amendments proposed under this Section 73 application.

Security of S106

Section 17 of the Section 106 Agreement, signed on 6th April 2023, explicitly provides that any future Section 73 application will remain bound by the obligations contained within the original agreement. Consequently, all obligations previously secured to make the development acceptable in planning terms continue to apply and will remain enforceable, regardless of the grant of this Section 73 permission.

Planning Balance

The proposed Section 73 application seeks to amend Condition 2 of planning permission H14-0219-22 to allow revisions to the approved site layout, access arrangements, plot configuration, and associated landscaping, parking, and boundary treatments. The application does not alter the principle of development, the number of dwellings, or the approved house types, which have already been established.

The amendments are limited in scope and preserve the historic building line and setting of the Bell Inn, a non-designated heritage asset, as well as the character of the Conservation Area. The relocation of apartment parking to the south-west of the building is largely screened from public

views, and there is no adverse impact on nearby listed buildings. Conditions will continue to secure detailed design, landscaping, and materials, ensuring that heritage and design quality are maintained.

The revised access arrangements may result in a minor increase in vehicle movements; however, these are associated with residential use and are comparable to the lawful fallback position of a public house. The removal of the communal garden for the apartments does not materially harm amenity, given the overall site size and ability to secure appropriate landscaping. Construction impacts can be managed through conditions, and ongoing residential use would generate modest impacts consistent with the character of the area. The Local Highway Authority has confirmed that the revised access and parking arrangements would not result in an unacceptable impact on highway safety or a severe residual cumulative impact. Parking, cycle, and refuse provision remain adequate and appropriately integrated.

All 14 conditions attached to the original permission are proposed to be reattached, including the updated Condition 2 to reflect the amended layout and access, while a new condition will secure plans for the "handed" Braunston house type for Plot 8. No discharge applications have been submitted since the original permission, confirming the ongoing relevance of the existing conditions. Section 17 of the Section 106 Agreement (dated 6 April 2023) ensures that this Section 73 application remains bound by the previously agreed obligations, including affordable housing, which continue to make the development acceptable in planning terms.

Overall, the proposed amendments are minor, do not alter the description or principle of development, and maintain the heritage, design, amenity, and highway considerations of the approved scheme. The reattachment of conditions and continued Section 106 obligations ensures that mitigation and controls remain in place.

On balance, the benefits of delivering the extant residential development, including the conversion of the Bell Inn and nine detached bungalows, outweigh any limited impacts arising from the proposed amendments.

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.

Conclusion

The application is therefore considered acceptable in planning terms and in accordance with Policies 2, 3, 29, 30, and 36 of the South East Lincolnshire Local Plan (2019) as well as the National Planning Policy Framework December, 2024.