

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0005-24 **Applicant:** Harrison Springfield Property

Proposal: Details of archaeological investigation, foul water disposal & external boxes for gas and electrical supplies (Conditions 3, 11 & 14 of H16-1131-21)

Location: 38 Spring Gardens Spalding Lincolnshire

Terminal Date: 1st March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of planning conditions attached to H16-1131-21. The applicant seeks to discharge conditions 3, 11 & 14.

This is an amended proposal.

Originally sought was the discharge of conditions 3, 4, 5, 9, 10, 11, 12 & 14, however conditions 4 and 10 are compliance related conditions and cannot be discharged.

Condition 4 requires the developer to notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work.

Condition 10 is also a compliance condition it requires the development to be carried out in accordance with the measures set out in the Flood Risk Assessment ECL0629/Swann Edwards Architecture dated November 2021, namely that the occupants should sign up to receive Flood Warnings. This condition cannot be discharged in this instance.

Conditions 5, 9 and 12 remain extant (along with others attached to the original permission) as the information submitted is not sufficient, these are subsequently removed by the applicant from consideration under this application.

Site Description

The site is located within Spalding Conservation Area. The building is described as having a 'Victorian Gothic Style' and is listed.

Planning permission to convert the building into residential units has been approved (see planning history).

History

H16-1131-21 - Change of use of existing building from dance/fitness studio (class E) to 2 x 1-bed flats and 5 x 2-bed flats (class C3) including the formation of a pitched roof to existing single-storey projection. Approved 23-05-22.

Consultation Responses

IDB

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage.

Historic Environment Department

Condition 3 of H16-1131-21 can be discharged as the written scheme of archaeological investigation has been submitted. However, conditions 4 and 5 cannot be discharged as I have no record of intention to commence the historic building recording (condition 4) and I have not received the final report relating to this (condition 5).

Highways

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.

Planning Considerations

The applicant seeks to discharge conditions 3, 11 & 14.

Condition 3

The condition requires the applicant to submit:

A written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
- 2. A methodology and timetable of site investigation and recording*
- 3. Provision for site analysis*
- 4. Provision for publication and dissemination of analysis and records*
- 5. Provision for archive deposition*
- 6. Nomination of a competent person/organisation to undertake the work*
- 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook. The archaeological site work shall only be undertaken in accordance with the approved written scheme.*

The applicant has provided a written scheme of investigation 'historic building record' written by Midland Archaeological Services. The LCC HER department have reviewed this document and have stated that 'Condition 3 of H16-1131-21 can be discharged as the written scheme of archaeological investigation has been submitted'.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 11 - Foul water disposal

The condition requires the applicant to submit:

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

This condition was attached as limited information was given within the original submission as regards foul water discharge. The applicant has shown on floor plans/site plans the location of soil vent pipes (SVPs), these would need to meet with building regulations requirements, but for the scope of planning are sited in locations that are sympathetic to the building. Furthermore, the landowner has a right to connect to the existing network.

This condition was imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged

Condition 14 - External boxes for gas and electricity supplies

The condition requires the applicant to submit:

Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

The proposed ground floor plan shows that an internal electrical metres room will be provided. Vent Pipes are also shown in appropriate locations. Given this approach limited impact would be had upon the external appearance of the building in relation to these topics.

This condition was imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Conditional information that was not acceptable and still requires discharge:

In the interests of clarity the original submission was to also discharge the conditions below. These have now (with the applicants agreement) been removed from the proposal title. The reasons they were not appropriate to discharge are:

Condition 5

The condition requires the applicant to submit:

A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record.

The applicant has not submitted the final report. The HER Department have commented that the condition cannot be discharged. On this basis this condition will remain extant and undischarged until such a time when the final report has been completed and submitted to both the LPA and the HER.

Condition 9

The condition requires the applicant to submit:

Prior to the occupation of any dwelling, full details of the arrangement for public and/or private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development

The applicant has shown bin storage number PP/23/0758 - 03 and has confirmed that they intend to use the local planning authority's refuse collection for disposal of waste. The proposed block plans shows that an area allocated for bin storage that is located to the front close to Springfield Gardens. The reason for the conditions was:

This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling, in the interests of the setting of this listed building and the visual character of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan, 2019.

The siting of loose bins in this location would detract from the building, which is of high merit. Therefore, the location of these bins is disappointing as it would detract from the merit of the building. Furthermore the conditional approval was based upon the private refuse collection, the applicant has stated that the local authority intend to be utilised. This is contrary to the condition.

On this basis the condition remains undischarged.

Condition 12 - boundary treatments

The condition requires the applicant to submit:

Prior to its installation, details of the proposed boundary treatments, including a detailed schedule of walling, railing and fencing levels, heights and materials, to a scale of no less than 1:50 shall be submitted to and approved in writing by the Local Planning Authority

Insufficient information has been submitted as regards boundary treatments and from the information submitted it appears that none are proposed. This condition only applied when/if the applicant is proposing boundary treatments. The condition in this instance will remain in effect.

Conclusion

The applicant seeks to discharge conditions 3, 11 and 14, these are hereby discharged.

Conditions 5, 9 and 12 remain extant whilst conditions 4 and 10 are compliance and cannot be discharged in any case

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.