DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0480-24**	**Applicant:**	**Harrison Springfield Property**
Proposal:	Details relating to archaeological report, arrangements for public and/or private refuse/recycling collection and boundary treatments (Conditions 5, 9 & 12 of H16-1131-21)		
Location:	38 Spring Gardens Spalding		
Terminal Date:	25th July 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
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the discharge of conditions 5, 9 & 12 of H16-1131-21.

Those conditions read as follows:

Condition 5

"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 material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Condition 9

"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.

Reason: 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."

Condition 12

"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 that 1:50 shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

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, the impact upon the listed building and the character and visual amenity of this part of 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."

It should also be noted that the applicant has requested that condition 5 be discharged. This is not a condition that requires discharge, and therefore should be accepted by default. Instead, the condition only requires the applicant to lodge the appropriate report with the LPA. The LPA duly accepts and acknowledges receipt of this document.

Site Description

As in host application

History

As in host application

Consultation Responses

Lincolnshire County Council Historic Places Team

The submitted archaeological report is the edited version of a document previously seen and meets the required standards,therefore discharge of condition 5 is recommended.

Planning Considerations

Condition 5

As mentioned above, condition 5 is not one which required formal discharge, and the associated condition 3 was already discharged under a former application. However, the LCC historic places team were consulted and were happy that this condition could be discharged. Therefore, the details are considered acceptable, and noted as such against that original condition.

Condition 9

Condition 9 States:

"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."

No such details have been provided. The applicant has only provided information on the proposed locations of waste storage / collection points. No waste collection management arrangements have been detailed in the applicant's submission. Therefore, as per the wording of the condition, the details as presented are not sufficient for the LPA to make a determination. As such, condition 9 may not be discharged at this point.

Condition 12

Condition 12 states:

""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 that 1:50 shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter"

No such details have been provided. The applicant's submission only provides a plan view indication of where boundary treatments may be placed, citing their proposed heights and general material type. The details are not provided at the requested scale, and provide no information relating to the design, specific materials. Moreover, the proposed installation of a steel fence to the side of the listed building would be highly likely to have an unacceptably harsh effect on the setting of the listed building - an effect that cannot be judged appropriately with the sparse details thus far provided.

As such, condition 12 may not be discharged.

Conclusion

For the reasons listed above, the details provided are considered to be non-compliant with the specific wording of conditions 9 and 12, and therefore insufficient to base an appropriate decision upon. As such, the recommendation is to refuse this application.

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.