DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0915-23**	**Applicant:**	**Birdwood Construction Ltd**
Proposal:	Details of archaeological investigation, construction management, surface water disposal, external materials, new window frames, glazing bars and external door frames & cycle storage (Conditions 3, 6, 8, 9, 10 & 12 of H16-0707-22)		
Location:	Land Adjacent To 19 Station Street Spalding Lincolnshire		
Terminal Date:	12th December 2023		

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
30	Pollution
36	Vehicle and Cycle Parking

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 9 - Promoting sustainable transport
Section 12 - Achieving well-designed 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
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY				

BODIES	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of planning conditions. The applicant seeks to discharge conditions 3, 6, 8, 9, 10 & 12 from planning application H16-0707-22 which allowed for the Demolition of existing air raid shelter and construction of terrace of 3 two bed dwellings. The conditions are as follows:

-Condition 3 - Written Scheme of Archaeological Investigation
-Condition 6 - Construction Management Scheme
-Condition 8 - Surface Water Disposal
-Condition 9 - External Materials
-Condition 10 - Windows and Doors
-Condition 12 - Cycle Storage

Site Description

The site is located within the defined settlement limits of Spalding and within the Spalding Conservation Area and has a number of Listed Buildings to the east and south. There is a mixed townscape of historical buildings and more modern buildings particularly on the edges of the Conservation Area.

The site is a triangular piece of vacant land that has been unused for a number of years. There is an air raid shelter on the site, that is approved be demolished as part of the planning permission. The site is located between two and three storey retail/restaurant units, some of which has residential accommodation on the upper floors.

History

H16-0707-22 - Demolition of existing air raid shelter and construction of terrace of 3 two bed dwellings. Approved 07-09-22

H16-0576-19. Permanent siting of catering trailer. REFUSAL 30-07-19.

H16-0738-18. Erection of 12 apartments (use class C3) and a flexible commercial use at ground floor (use classes A1, A2, A3 or D1). REFUSAL 19-11-18. APPEAL DISMISSED 24-09-19.

H16-0694-11 Proposed unit for A1, A2 and A3 use with 6 two bed flats over - Approved 4/9/11.

H16-0846-11 Conservation Area Consent for demolition of air raid shelter - Approved 4/9/11.

H16-0805-03 New A1, A2 and A3 retail space with 6 two bed flats over - Approved 2611/03.

H16-0806-03 Demolition of existing single storey building - Approved 25/9/03

Consultation Responses

Historic Places Team
I can confirm that the archaeological report submitted satisfies the requirement of this section. The applicant is reminded that a copy of the report should be submitted to the Lincolnshire Historic Environment Record and the archive submitted to the Lincoln Museum as per the Written Scheme of Investigation. I note the application is to discharge condition 3 of H16-0707-22, which is addressed by the Written Scheme if Investigation. This report relates to condition 5

Environmental Protection
no concerns

Welland & Deepings 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.

Highways & LLFA
No objection: Given the very tight constraints of the site, the proposals in the submitted Construction Management Plan are probably the best that could be achieved - although there does not appear to be any details of where the vehicles of site personnel are to be parked.

Conservation Officer
To confirm, I am satisfied with the proposed details included within this proposal. All proposed materials including within the fenestration and accoutrements appear to be of good quality, and vernacular composition and therefore are acceptable in the conservation area setting

Pedals
We are happy with the proposed cycle storage.

Planning Considerations

Condition 3 - Archaeological Investigation

Condition 3 was attached to planning permission H16-0707-22 in order to record the loss of the Second World War air raid shelter. The condition required:

No demolition shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall consist of a document of historic building recording of the Second World War air raid shelter 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 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 report titled "BUILT HERITAGE RECORDING OF AN UNDERGROUND CISTERN AND A PUBLIC SURFACE AIR RAID SHELTER ON LAND AT STATION STREET AND VICTORIA STREET' carried out by PRE-Construct Archaeology.

The historic places team have revived this report and have stated that "I can confirm that the archaeological report submitted satisfies the requirement of this section. The applicant is reminded that a copy of the report should be submitted to the Lincolnshire Historic Environment Record and the archive submitted to the Lincoln Museum as per the Written Scheme of Investigation. I note the application is to discharge condition 3 of H16-0707-22, which is addressed by the Written Scheme if Investigation"

It is noted that there is a typo in the report in that it is suggested the purpose of the report is to discharge condition5. For clarity this report relates to condition 3. Notwithstanding this the details are considered acceptable and condition 3 of planning permission H16-0707-22 is formally discharged. Condition 5 which is compliance ensures that the final report shall be submitted to the HER for their records.

This condition was imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and the details submit are considered satisfactory for the condition to be discharged.

Condition 6 - Construction Management

Condition 3 was attached to planning permission H16-0707-22 in order to mitigate the amenity impacts of the development upon local residents and to safeguard highway safety. The condition

required:

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences, including demolition, and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing: - hours of work; - how the site will be accessed; - where the vehicles of site operatives and visitors will be parked; - how plant and materials will be loaded and unloaded; - where plant and materials used in constructing the development will be stored;

The applicant has provided a 'Construction and Management (CDM) Plan'. Both the Highway Authority and Environmental Protection have revied the submission and have no objections to the discharge of this condition subject to compliance with the submitted details.

Condition 6 was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 8 - Surface Water Disposal

Condition 8 was attached to planning permission H16-0707-22 in order to ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. The condition required:

Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.
The drainage strategy shows that surface water will be ultimately be disposed of into a combined sewer. Given the location within which this development sits and that an existing system is already in place then this solution is acceptable. Furthermore permissions external to planning will govern the connection at the point of connection into the combined sewer, whilst the strategy internal to the site will be subject to building regulations standards.

Condition 8 was imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021 and is hereby discharged.

Condition 9 - External Materials

Condition 9 was attached to planning permission H16-0707-22 in order to ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Spalding Conservation Area. The condition required:

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved. The external facing walls of the development shall be constructed in Garden Wall bond.

The applicant has provided an 'External Materials Presentation Sheet' The following materials are proposed:
-Bricks - Red-Multi Stock Facing
-Heads and Cills - Reconstituted Stone in 'Bathstone' finish
-Roof - Fibre Cement Slate Roof Tiles in Black
-Rainwater Goods - Cast Iron painted black

The proposed palate of materials have been considered by the conservation officer who has no objection. The materials are therefore considered acceptable.

Condition 9 was 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, 2021 and is hereby discharged.

Condition 10 - Windows

Condition 10 was attached to planning permission H16-0707-22 in the interests of the architectural composition and appearance of the development and the character and visual amenity of this part of the Spalding Conservation Area. The condition required:

All new window frames, glazing bars and external door frames shall be of timber construction, painted white and thereafter so maintained. 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.

The applicant has submitted elevations of the building as well as scaled drawings of each opening. The conservation officer has stated that "All proposed materials including within the fenestration and accoutrements appear to be of good quality, and vernacular composition". It is therefore considered that the proposed scheme of opening are considered acceptable.

Condition 10 was 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, 2021 and is hereby discharged.

Condition 12 - Cycle Storage

Condition 10 was attached to planning permission H16-0707-22 In order to accord with the provisions of the submitted application and Policy 36 and provided suitable cycle storage provision. The condition required:

Details of the cycle storage set out within the planning application form hereby approved shall be submitted to and approved by the Local Planning Authority prior to the first occupation of each dwelling. The cycle storage provision shall be retained for the duration of the use of each dwelling.

The applicant has provided a proposed site plan that shows the location of cycle storage as well as elevations, these are considered appropriate and considered discharged.

Condition 12 was imposed to accord with the provisions of the submitted application and Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021 the condition is hereby discharged.

Conclusion

Conditions 3, 6, 8, 9, 10 & 12 attached to planning permission H16-0707-22 are therefore discharged.

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.