

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0918-23 **Applicant:** Birdwood Construction Ltd

Proposal: Details of archaeology investigation, construction management, external materials, new window frames, glazing bars and external door frames & cycle storage (Conditions 3, 5, 7, 8 & 10 of H16-1349-21)

Location: Land Adjacent To Spalding Library Victoria Street Spalding

Terminal Date: 13th December 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 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

RESIDENTS	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of conditions providing details of archaeology investigation, construction management, external materials, new window frames, glazing bars and external door frames & cycle storage (Conditions 3, 5, 7, 8 & 10 of H16-1349-21).

Site Description

The application site is within Spalding, located within the conservation area and Town Centre boundary, but is not within the Primary Shopping Area.

The site is vacant and formerly was the location of a bakery building, that fell into disrepair and was demolished.

History

H16-1349-21 - Erection of 2 two bed detached dwellings. Approved 24-02-22

H16-0601-17. FULL. Erection of 7 apartments, including part demolition of existing brick building (re-submission of H16-0297-17). APPROVED 01-12-17. Work commenced on site early 2021 only to come to a stop due to the discovery of a fresh water cistern.

H16-0297-17. FULL Erection of 7 apartments, including part demolition of existing brick building. REFUSED. 14-06-17

Consultation Responses

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 & Suds Support

No objection: The details submitted of archaeology investigation, construction management, external materials, new window frames, glazing bars and external door frames & cycle storage (Conditions 3, 5, 7, 8 & 10 of H16-1349-21) are acceptable in accordance with approved drawings and details submitted with this application.

Pedals

We are happy with the proposed cycle storage.

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

Environmental Protection

No comments

Historic Places Team

I can confirm that the requirements of condition 3 of consent H16-1349-21 have been met, though by my understanding there are still groundworks to be undertaken as part of the development which will require archaeological monitoring. As such, the submitted report will not be sufficient to discharge condition 4.

Representations

Spalding Library

just a quick question, as a neighbour should we have received written notification of the planning application as we haven't received anything.

Planning Considerations

This application is for a discharge of conditions providing details of archaeology investigation, construction management, external materials, new window frames, glazing bars and external door frames & cycle storage (Conditions 3, 5, 7, 8 & 10 of H16-1349-21). The conditions are:

- Condition 3 - Notification prior to Archaeological Works
- Condition 5 - Construction Management Plan
- Condition 7 - External Materials
- Condition 8 - Window Frames/Glazing Bars
- Condition 10 - Cycle Storage

Condition 3 - Notification prior to Archaeological Works

Condition 3 was attached to planning permission H16-1349-21 to ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. The condition required:

The applicant shall 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 required in connection with the Written Scheme of Investigation Prepared by APS - Revised January 2021 in order to facilitate adequate monitoring arrangements.

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 reviewed the document and have no objections. This condition was imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 5 - Construction Management Plan

Condition 5 was attached to planning permission H16-1349-21 In the interests of the amenity of local residents. 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 beyond oversite and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Victoria Street and residential amenity.

The applicant has provided a Construction Design and Management (CDM) Plan. Both Highways and Environmental protection have reviewed the information and have no objections.

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

Condition 7 - External Materials

Condition 7 was attached to planning permission H16-1349-21 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 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 palette of materials have been considered by the conservation officer who has no objection. The materials are therefore considered acceptable.

This condition 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 8 - Window Frames/Glazing Bars

Condition 8 was attached to planning permission H16-1349-21 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

This condition 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 - Cycle Storage

Condition 10 was attached to planning permission H16-1349-21 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.

Condition 10 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, 5, 7, 8 & 10 of H16-1349-21 are hereby 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.