DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0672-21**	**Applicant:**	**Mr N Creasey**
Proposal:	Replace PVCu windows with timber frame windows including works to cills, replace flooring to second floor, install DPM and insulation with new concrete to existing levels and new DPC to perimeter of whole of building.		
Location:	11 Backgate Cowbit Spalding		
Terminal Date:	23rd August 2021		

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

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This listed building consent application is for the replacement of PVCu windows, including new cills. In addition, it is proposed to replace the 2nd floor with a like for like replacement, and to replace the

existing, historic concrete pad/base which has deteriorated and include new insulation and damp-proofing.

The PVCu windows were installed without the proper consents, a subsequent application was made retrospectively to formalise the new windows, which was refused. Therefore, the existence of PVCu windows on this site is subject to enforcement action. This application is made in aid of satisfying the enforcement case.

Site Description

The site features 3 separate large structures; the garage that this application relates to, the associated house and a Grade II listed windmill at the western end of the site. The property sits on a large curtilage which consists of hard-standing between the garage and house and turf surrounding the mill. The site is not within close proximity to any further listed buildings and Cowbit does not benefit from its own conservation area.

The immediate area surrounding the site is purely residential, featuring large, mainly modern homes. To the south of the site is a large modern residential development.

History

H01-0591-14

Insertion of uPVC windows and re-pointing of brickwork (retrospective). REFUSED on 10/10/2014.

H01-0877-17

Remove uPVC windows and replace with wooden windows. APPROVED on 02/01/2018.

Consultation Responses

H01-0995-20

Change of use of domestic garage/workshop to use for storage. Approved on 10/05/2021

Consultation responses

Lincolnshire County Council Historic Environment Officer

No archaeological input required.

Planning Considerations

Heritage Impact

The Local Planning Authority considers this proposal to be a significant enhancement of this site from a heritage conservation perspective. By returning the windows to timber, as is the original and intended material is of obvious benefit to the character and authenticity of the Listed mill. The proposed windows are of a 2x2 pane configuration, featuring timber frame and glazing bars, formatted as side-opening casement windows as would have been original to the site, owing to the size of the windows. This application also includes the formalisation of the installation of a window in the upper opening which was previously bricked-in. This seems fully appropriate and commensurate with restoration of the historic building The new stone cills are an addition which gels well with the period of the property and will be finished in Bath stone.

The proposal to replace the 2nd floor and repair the 1st floor with either replacement with tongue and groove timber boards or treating existing timber - this process is proposed due to the state of disrepair of the flooring in situ. This proposal should have no impact upon the character of the site and removes no character features, being done in aid of creating a sustainable and long-term use for the historic site.

The base of the structure is a concrete pad which is likely to be original to the structure. The base is crude and uneven and in some places deteriorating, this may be commensurate with the industrial use of the site, however, is unsuitable for a modern, sustainable use. Furthermore, the concrete pad is not of particular value to the character of the site. Insulation and damp-proofing measures will

further secure a modern and sustainable use, especially damp-proofing as evidence of low level damp is visually obvious from the exterior of the property.

for the reasons above, this application is deemed to help to enhance the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021)

Planning Balance

It could perhaps be argued that the addition of stone cills is unnecessary and a potentially frivolous or unoriginal addition to a listed building seeing as we have no evidence to suggest that cills have ever been present at this site. However, as presented, the cills are not an inappropriate form of development as they are of a heritage material and are a feature which is not alien or unoriginal to comparable sites locally or nationally.

Furthermore, it could be said that replacement of the original concrete interior surface could be inappropriate, however, the inner surface is of no particular value to the site and a balance must be struck with usability and the viability of finding a modern, sustainable use.

Conclusion

For the reasons listed above, the Local Planning Authority is satisfied that the details as presented in this proposal are commensurate with Policies 1,2,3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). It is therefore recommended that this application be approved.

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.