

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0312-23 **Applicant:** Mr P Kierman

Proposal: Erection of 2 houses and garages. Details of final report relating to archaeology, brick, roof tiles & coping stones and doors & windows (Conditions 5, 6, 7 & 8 of H05-0659-21)

Location: Adj. The Chestnuts Off Hallgate Fleet

Terminal Date: 30th May 2023

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 5, 6, 7 and 8 of application H05-0659-21

The conditions were 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 6

"Before the commencement of the development hereby permitted beyond oversite, details of the exterior brick(s), roof tiles, and coping stones to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details so approved.

Reason: 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 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 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021."

Condition 7

"Details of the design of all external doors and door 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), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

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, 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 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021."

Condition 8

"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.

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, 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 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021."

Site Description

As in host application

History

As in host application

Consultation Responses

Local Resident

1 local resident submitted an objection to this application. The content of this objection can be summarised like so:

- The conditions for which this application seeks discharge are pre-commencement in nature and yet this application is submitted retrospectively, meaning the applicant has not complied with the condition.
- The windows and doors are not as they were depicted in the document J151-BR 7A
- The LPA would be setting a precedent that failure to discharge conditions appropriately is acceptable.

Planning Considerations

Resident Objections

It is the case that the applicant has not sought the discharge of conditions at the correct time. However, the applicant has chosen to seek discharge retrospectively, and done so at their own risk. The details provided are not considered to be out of keeping or otherwise unacceptable under the terms of the conditions. It is therefore, considered not expedient for the Local Planning Authority to seek enforcement against the timing of the condition discharge application.

The resident objector raised a concern that some of the windows installed on site are not as depicted within document J151-BR 7A - this document is merely the original 3D plan as was presented under the original permission application that the applicant has provided for the purposes of context. Subject to the conditions, neither the windows nor the doors are required to be identical to those presented under the original application, at the condition discharge stage as the purpose of the conditions seeking details of the windows and doors is to seek final clarification of the designs proposed to be installed. The Local Planning Authority does not consider the details as presented and as installed to be unacceptable as the designs are not out of keeping and the manner of opening does not cause additional or excess risk of overlooking to any neighbouring residential properties.

Should an applicant fail to discharge a pre-commencement condition, they do so at their own risk. The approval of this application does not establish that failure to satisfactorily discharge conditions is in any way acceptable. Any applicant who fails to properly discharge their conditions remains subject to the possibility of proportionate enforcement action.

Condition 5

Condition 5 requires that the applicant lodge a copy of the archaeological findings report with the local planning authority. Although this condition does not strictly require formal discharge, by the submission of this application, the Local Planning Authority confirms receipt of the copy of the final report. Therefore, this condition can be considered to be fulfilled.

Condition 6

Condition 6 required the applicant to submit the details of all of the external brickwork, roof tiles and coping stones. The applicant has confirmed that the following materials are used:

- Bricks: TBS Chiltern Blend
- Tiles: Stoneleaf classic 5-6mm
- Coping stones: Reconstituted stone

As stated above, the reason that this condition was imposed was in order to ensure that the materials were visually appropriate to the conservation area setting. Given that this application is retrospective, the case officer has had the benefit of a site visit to view the materials in situ. Following this, it is clear that the TBS chiltern blend is a bricktype which matches the surroundings well. It is similar in appearance to other redbrick construction in the surrounding area. The eventual mix of these bricks and rendered finish will blend well and comply with the agreed upon vision for the design as proposed in the host application.

With regards to the roof tiles, the Fleet conservation area is host to properties with both clay pantiles and slates. However, this side of Hallgate is largely furnished with slates. The Spanish slates

proposed by this application appear to fit with the character of the property and the wider conservation area setting.

Reconstituted stone is a common material used for coping stones and lintels etc. Those used on site do not appear at odds with the character of the setting.

With the above in mind, the It is recommended that condition 6 may be discharged.

Condition 7

Both the front and side doors have varied in design from the original host application. The front door is now a horizontal banded door, and the side door is a mock-plank door with a small window at the centre top. However, their design does not raise a concern and remain in general keeping with the site and the setting. Given that both doors are aluminium in construction, they also materially match all of the windows. The doors as installed do not contribute to a harmful impact upon the conservation area, and as such, it is recommended that condition 7 may be discharged.

Condition 8

Details of the proposed windows were requested in order to ensure that the windows were compliant with the general theme of design as proposed under the host application. Having examined the images provided by the applicant and it is confirmed that the powder-coated aluminium windows are extremely close to those designs which were granted consent under the host application. The glazing bars appear satisfactorily slim and the designs are as approved under the host consent. The windows as installed do not contribute to a harmful impact upon the conservation area, and as such, it is recommended that condition 8 may be discharged.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan as well as Sections 12 and 16 of the NPPF. Therefore, this application is recommended for approval.

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.