

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0746-21 **Applicant:** Mrs E Phillips

Proposal: Details of bricks, mortar mix, one metre freestanding brickwork panel, roof tiles and window frames (Conditions 3, 4, 5, 6 & 7 of H05-0232-19)

Location: 123 Fleet Road Fleet Spalding

Terminal Date: 31st March 2022

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
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CASE OFFICER ASSESSMENT

Proposal

This condition compliance application seeks to discharge conditions via details of means of surface water disposal, bricks, mortar mix, one metre square brick panel, roof tiles and window frames (Conditions 3, 4, 5, 6 and 7 of H05-0232-19).

Site Description

As host consent.

History

As in host consent

Consultation Responses

None received

Planning Considerations

Condition 3

Condition 3 of H05-0232-19 states the following;

"Before the commencement of the development hereby permitted beyond oversite, details of the brick(s) to be used to the external walls of 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 integrity, fabric and setting of the listed building.

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, 2019."

The applicant has supplied details of the bricks to be used, all of which are reclaimed original bricks, taken from the collapsed structure which once stood in the stead of the proposal structure. The proposal to use reclaimed bricks is fully acceptable, particularly on conservation grounds, and therefore, the Local Planning Authority recommends that condition 3 may be discharged.

Condition 4

Condition 4 of H05-0232-19 states the following;

"Before the commencement of the development hereby permitted beyond oversite details of the mortar mix, which shall be a traditional lime mortar, shall be agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials 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 integrity, fabric and setting of the listed building.

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, 2019"

The details provided show that the lime mortar to be used is a 1:4 ration lime/sharp sand mix. Upon inspection of the brick panel on site and the provided images, it is confirmed that the mortar proposed is of an appropriate and matching type to that extant in the remainder of the property. For this reason, it is recommended that the details provided are satisfactory and therefore, this condition may be discharged.

Condition 5

Condition 5 of H05-0232-19 states the following;

"A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the commencement of the development hereby permitted beyond oversite. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed."

Reason : To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the integrity, fabric and setting of the listed building.

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, 2019"

The case officer has been to site and examined the assembled brick panel - the mixture of reclaimed brick and site-appropriate 1:4 lime mortar is acceptable. So too is the stretcher bond style. Therefore, this condition may be discharged.

Condition 6

Condition 6 of H05-0232-19 states the following;

"Before the commencement of the development hereby permitted beyond oversite, details of the roof tiles to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all tiles 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 integrity, fabric and setting of the listed building.

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, 2019"

The applicant has supplied details of the roof tiles to be used, all of which are reclaimed original clay pantiles, taken from the collapsed structure which once stood in the stead of the proposal structure. The proposal to use reclaimed pantiles is fully acceptable, particularly on conservation grounds, and therefore, the Local Planning Authority recommends that condition 6 may be discharged.

Condition 7

Condition 7 of H05-0232-19 states the following;

"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 the external materials of construction of the development in the interests of the integrity, fabric and setting of the listed building.

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, 2019"

The applicant has provided sectional drawings of the proposed windows, which show that the windows shall be timber framed, single-glazed casements of a style which matches those which were formerly present on the barn which collapsed. Due to the appropriate design and materials proposed, this condition may be discharged.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3, 17 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). 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.