DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1047-19**	**Applicant:**	**Home From Home Care Services Ltd**
Proposal:	Replace existing upvc windows (10) and upvc shopfront with timber.		
Location:	12-14 West End Holbeach Spalding		
Terminal Date:	8th February 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 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the replacement of 10 frontage upvc windows with like for like style replacement timber units, as well as the replacement of the associated shop frontage with a like-for-like style timber unit.

The proposed windows would be of 2x2 arrangement in timber construction with a sliding sash configuration.

Site Description

The proposal site is C19th yellow brick commercial building of 3 storeys. Whilst the property is not listed or otherwise designated, it does sit within a highly prominent portion of the Holbeach Conservation Area, with feature views of the town centre and the nearby grade I listed church. Furthermore, it is situated directly opposite the grade II listed Crown Hotel.

The immediate area is characterised by commercial properties of a very similar period and style. Many such properties have had their above-ground floors converted to dwellings.

History

H09-0997-09

Change of use of first and second floor to two flats. Approved on 11-03-10.

H09-0089-13

Change of use of first and second floor to two flats (renewal of H09-0997-09). Approved on 02-04-13.

H09-0317-13

Proposed change of use of first and second floor offices to two self-contained flats. Approved on 23-10-13.

H09-0015-14

Details of refuse storage and frosted glazing to lobby window (Conditions 3 and 4 of H09-0317-13). Approved on 27-01-14.

H09-0645-15

Replacement windows and door (retrospective). Refused on 29-12-15

H09-1148-16

Replace 10 front windows and 1 door (retrospective). Refused on 07-02-17.

Consultation Responses

Local Residents

Support the application.

Holbeach Parish Council

Support the application

Cllr Biggadike - Ward member

Supports the earlier supportive comments of the Conservation Officer.

Planning Considerations

Heritage Impact

The Local Planning authority does not consider there to be any risk presented the value or significance of the historic environment by these proposals. The site as it stands currently, is subject to enforcement action relating to the UPVC shop frontage and windows which were installed without the necessary consent. These are clearly inappropriate in form. Therefore, there replacement with

timber units of an appropriate period style (as is presented) is to be encouraged and will help to enhance the historic environment in line with the requirements of Section 16 of the National Planning Policy Framework (2019)

Design

The local planning authority seeks no amendment to the design of the proposals. As laid out above, it is determined that the proposed design is appropriate to the structure and is an enhancement over the current state of the site.

Planning balance

The local planning authority does not consider there to be any factors of the proposal which would contribute towards any effort to refuse permission. The proposed windows and shop front are of an appropriate material, and style and are a significant enhancement over the units currently present at site.

Conclusion

For the reasons listed above, this application is determined to be in accordance 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 (2019). 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.