

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1079-20 **Applicant:** Mr T Mahmood

Proposal: Demolition of single-storey rear wing (retrospective), removal and rebuild of upper part of front elevation (retrospective), construction of two-storey rear wing and change of use of first and second floors to offices - approved under H09-0465-15. Modification of Condition 6 to allow upvc windows in lieu of wooden windows.

Location: 17 High Street Holbeach Spalding

Terminal Date: 25th January 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	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Section 73A application is to vary condition 6 of H09-0465-15 to allow the inclusion of the retrospectively installed UPVC windows at the rear of 17 High Street, Holbeach.

Site Description

17 High Street is a non-listed property of C19th Origin, most recently used for commercial purposes. It is not of any particular aesthetic or historic value in itself, however, it is located adjacent to the Grade II listed chequers hotel. From the western side of the property, a rear access alleyway leads to a private parking area to the rear. The proposed windows are only visible from this area.

History

H09-1146-06

Demolish existing building and replace with three-storey building comprising food retail take-away and 2 flats. Refused on 12-10-06

H09-0775-08

Change of use of take-away to coffee shop with flats above. Approved on 18-09-08

H09-0465-15

Demolition of single-storey rear wing (retrospective), removal and rebuild of upper part of front elevation (retrospective), construction of two-storey rear wing and change of use of first and second floors to offices. Approved on 04-09-15

H09-0027-16

Details of doors and windows, large scale constructional drawings and external colour scheme (Conditions 4, 5, 7 and 8 of H09-0465-15). Approved on 21-01-16.

Consultation Responses

None received.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk of a negative impact upon the Conservation Area presented by this proposal. Whilst UPVC is not generally an acceptable material within a conservation area setting, the proposed windows have been in place now for over 4 years without complaint and also cannot be seen from any element of the public realm. As these windows can only be witnessed from private land, this proposal cannot be said to have an impact upon how the Conservation Area is appreciated. Therefore, this proposal can be said to conserve the historic environment in accordance with Section 16 of the National Planning Policy Framework (2019) due to its neutral impact.

Planning Balance

The use of UPVC is generally not acceptable within a Conservation Area setting. However, this proposal is a retrospective proposal that has been in place for over 4 years without attracting resident complaints, furthermore, these windows cannot be seen from any part of the public realm and therefore, any negative impact upon the Conservation Area is mitigated by this fact.

Conclusion

This planning application is considered by the Local Planning Authority 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)

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.