DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0293-22**	**Applicant:**	**Mr J Kilkenny**
Proposal:	Proposed one 3 bedroom & one 4 bedroom detached dwellings - approved under H13-0329-15. Modification of Condition 12 to allow windows to be uPVC in lieu of wooden windows		
Location:	Site At Plough Inn Woodgate Road Moulton Chapel		
Terminal Date:	20th May 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to modify condition 12 of planning permission ref. H13-0329-15 to allow windows to be uPVC sash in lieu of timber sash. The planning permission has been implemented and the development is currently to oversite level.

Site Description

The site is land formerly within the curtilage of the Plough Inn to the north, which is now a single

dwelling. The Chapel of Saint James (grade II* listed) is situated beyond the Plough Inn. Residential properties are located on the opposite side of Woodgate Road to the east, south and west.

Consultation Responses

Moulton Parish Council

No response.

Relevant Planning History

H13-0714-12 - Full - Change of use from public house to domestic dwelling, including demolition of single-storey section and alterations - Granted 26 October 2012.

H13-0329-15 - Full - Proposed one 3-bedroom and one 4-bedroom detached dwellings - Granted 13 July 2015

H13-0993-15 - Cond Comp - Details of Conditions 3, 5, 6, 7, 11, 12, 13, 14, 15 ,16 and 17 of H13-0329-15 - Approved 18 December 2015.

H13-0294-22 - Cond Comp - Details of brick type (Condition 5 of H13-0329-15) - Approved 5 April 2022.

Planning Considerations

The application is to modify condition 12 of planning permission ref. H13-0329-15 to allow windows to be uPVC in lieu of wooden windows. The planning permission has been implemented and the development is currently to oversite level.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Whilst traditional timber windows are normally promoted in association with new properties within conservation areas and in proximity to designated heritage assets there is an eclectic mix of properties within the locality in terms of period, design and materials of construction, many of which have uPVC windows. Moreover, the windows proposed are designed specifically to be suitable with conservation areas, etc and closely resemble timber in terms of appearance.

The proposed revisions are considered acceptable and would not harm the character or appearance of the locality or setting of The Chapel of Saint James (grade II* listed). They are therefore in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Planning Balance

The proposed uPVC sash windows (Heritage Rose) are designed to closely reflect timber sash windows in terms of design and appearance and are considered suitable in this case. They in

accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. There are no adverse matters that outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above it is recommended that the application be approved under delegated powers.

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.