

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0613-22 **Applicant:** Mr J Barnett

Proposal: New dwelling - approved under H13-1021-17. Modification to Condition 2 to allow amendments to previously approved plans and details of external materials, windows & doors (Conditions 4, 6, 7 & 8)

Location: Rear Of 10 High Street Moulton Spalding

Terminal Date: 6th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Section 73 modification application is for the modification of condition Modification to Condition 2 to include details requested by conditions 4, 6, 7 & 8 of H13-1021-17. These conditions have already been discharged by application H13-0936-19. However, the applicant has faced trouble sourcing the agreed materials and equipment and so would like to change what was agreed. Because the conditions were previously agreed, the applicant is instead going down the route of amending condition 2 to include all necessary details. In effect, this application is re-discharging the conditions by including the requested details within condition 2.

Condition 4 stated the following;

"Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: 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 and the integrity of the setting of the host listed building.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012."

Condition 6 stated the following;

"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: 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 and the integrity of the setting of the host listed building.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012."

Condition 7 stated 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: 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 and the integrity of the setting of the host listed building.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012."

Condition 8 stated the following;

"All new window frames, glazing bars and external door frames shall be of timber construction, painted white and thereafter so maintained.

Reason: 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 and the integrity of the setting of the host listed building.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012."

This condition is not a dischargeable condition and it is simply a matter of assumption that the applicant will need to stick to the above stipulation or risk nullifying their planning permission.

Site Description

As in host application

History

As in host application

Consultation Responses

None received

Planning Considerations

Principle of Development

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The principle of the conversion of this range of buildings to a dwelling has been accepted by the extant permission on the site.

Multiple amendments to the originally approved plans are proposed. The most visually impactful and key alterations are the alteration of the Southern sliding door to feature a brick lintel rather than timber, to alter the design of multiple window frames and to change the proposed brick type to a similar, more readily available type.

Condition 4

The main brick type will Imperial Handmade Olde Reclamation Clamp with details achieved with the contrasting Imperial Handmade Soft Red. The roof will be tiled with Spanish Natural Slates of equal size to those which are featured on the roof of 10 High Street. These materials are deemed to be appropriate to the proposal.

Condition 6

The applicant wishes to retain the existing detail of the sectional nature of the windows, however, the oak header is to be replaced with a brick soldier course. This alteration is deemed to be appropriate to the proposal.

Condition 7

All proposed window units are timber casement style, featuring either 2 or 3 glazed panels. These are deemed wholly appropriate.

Condition 8

Condition 8 cannot be determined, it remains active, under the assumption that the applicant will ensure the window are timber, painted white and shall thereafter be so maintained. None of the detail in this application disputes this.

Design and Layout

The local planning authority seeks no amendment to the Design or Layout of the proposals. This is because the modification of this condition in the proposed manner will improve the building's sympathy with its historic environment. No changes are proposed to the layout of the approved plans.

Residential Amenity

The proposed modification of condition 2 will not cause any negative amendment to the residential amenity of any nearby properties. In fact, the removal of the rear, 1st floor window will now

completely remove any risk of overlooking the gardens of the residential property immediately to the West.

Conclusion

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

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3 and 29 of the SELLP (2019) as well as Sections 12 and 16 of the NPPF (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.