

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0079-23 **Applicant:** M J L Welding & Fabrication Ltd

Proposal: Details of window frames (Condition 4 of H16-0717-22)

Location: 14 Market Place Spalding Lincolnshire

Terminal Date: 23rd March 2023

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

NPPF 2021.

Section 16

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Condition Compliance application - Details of window frames (Condition 4 of H16-0717-22).

Site Description

As host consent.

History

H16-0717-22. LISTED BUILDING. Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials.

APPROVED 03-11-22.

H16-0716-22. FULL. Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials. APPROVED 03-11-22.

H16-0563-22. Listed Building consent. Internal Shop Alterations & New Front Sign. APPROVED 29-09-22.

Consultation Responses

SHDC Conservation Officer

Consent for UPVC rear windows in the case of this listed building was granted under H16-0717-22. This was a one-off allowance due to site-specific access and maintenance issues.

I write to confirm that I am satisfied with the provided details of both the timber replacement windows intended for the front of the building and the rear facing UPVC windows.

The timber front windows represent a near-exact replication of the existing windows and are therefore considered to be design-appropriate to the setting.

Whilst UPVC in this instance is only allowed by extenuating circumstances, the proposed units appear to be of good construction and design, which will gel appropriately with the overall setting and character of the building.

Therefore, I am satisfied that condition 4 may be discharged.

Planning Considerations

Condition 4

Full 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 these details of the development in the interests of the appearance of the development, and the character and fabric of this listed building and character and visual amenity of this part of the Conservation Area in which it is set.

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, 2021.

As can be seen from the response of the SHDC Conservation Officer, consideration is needed to the special circumstances of this site, that have justified a departure from the usual expectation of timber windows throughout and the inclusion of UPVC windows for specific windows. The host application (H16-0717-22 refers), was supplemented with additional information and a detailed justification.

Under normal circumstances, such a proposal would be absolutely unacceptable and that it is only due to access difficulties and land ownership arrangements that are totally unique to this specific site that it can, in this single instance, be justified in the interest of maintenance.

In accordance with the expectations of the Listed Building consent and the views expressed by the SHSC Conservation Officer it is considered that the details are acceptable and this condition detail can be approved.

Conclusion

Approve.

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.