DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0626-26**	**Applicant:**	**CJN Spalding Ltd**
Proposal:	Replacement of existing defective timber-framed single glazed windows to the front and rear elevations of building, with new like-for-like uPVC double-glazed window units		
Location:	Beechfield House 19b High Street Spalding		
Terminal Date:	4th September 2026		

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
29	The Historic Environment
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application seeking to replace the existing timber-framed single glazed windows at Beechfield House, Spalding, with UPVC double glazed window units.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is along the river front, within the historical commercial centre of the town. It is within the Conservation Area and the "Riverside" historic character area, as defined with the Spalding Extensive Urban Survey. The area is characterised by Victorian and Georgian buildings, often being former warehouses now converted to dwellings. Several Grade II and II* listed buildings are present in the immediate area, including the Grade II* listed Yew Lodge and 22 Cley Hall.

The site is a Grade II listed former warehouse turned block of flats. The application site does not form the totality of the listed asset. The description provided by Historic England is as follows: "2. Mid C18. 4 storeys in local brick with 7 windows, segmental arches, casements, 2 upper hatches. Ground floor has a round-headed arched doorway with stone keystone and impost bands. 5 windows and segmental-arched doorway to No 19B with modern door."

Relevant History

H16-0627-26 - LB - Replacement of existing defective timber-framed single glazed windows to the front and rear elevations of building, with new like-for-like uPVC double-glazed window units - Ongoing.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Conservation Officer

Please take this email as my formal response to both H16-0626-26 and H16-0627-26. I write to confirm my objections in the strongest possible terms to both applications.

The application seeks consent for the replacement of 54 timber windows with 'like for like' UPVC replacements.
With the above in mind, the Local Planning Authority considers the proposal to represent a form of harm. That is due to the fact that UPVC windows are a totally inappropriate proposed feature on a listed building. They fail to preserve the material authenticity that is both a requirement for listed buildings and also specifically prevented by Policy 29, Section B of the SELLP. Whilst the design of UPVC windows may be capable of a degree of replication of the design of timber windows, the appearance and characteristics of plastic are inappropriate for use on protected buildings and still do not satisfactorily replicate the frame thickness of true timber to a degree that is acceptable on a grade II listed asset.

Moreover, whilst the applicant suggests the proposed windows are 'like for like', this incorrect as they do not replicate the timber materials and the glazing pattern of several windows is subtly different. Moreover, the applicant has not provided exhaustive sectional drawings of the proposed new windows with full measurements included and so with the detail included on the simple plans provided thus far, it is not possible to accurately compare measurements with regard to frame thickness, format etc.

Regardless, the windows currently on the property are of a non-original style that are themselves considered unsightly and not at all period appropriate. As such, I am not satisfied that there even is

any value in the existing windows being replicated in style. To agree to a replication of the existing windows would be for the Local Planning Authority to perpetuate a harmful effect upon the listed building.

In such cases, the preamble to Policy 29 applies when it states: "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced." This is such an appropriate situation to require enhancement, and this is reinforced by Policy 29, Section B, Subsection 3, which states " Where relevant and practical, remove features which are incompatible with the Conservation Area." This is such a case in which there is an opportunity to remove an incompatible architectural feature, but the applicant proposes to instead perpetuate that incompatible feature and worsen it by converting the units to an even more inappropriate built form in the shape of UPVC.

The applicant would be far better served by proposing to install genuine timber, period appropriate flush fitting timber, side opening casement windows with a central meeting point or flush fitting timber sliding sash windows, neither with any cill. These sorts of windows were those most commonly used in period warehouses.
Because of this, the harm of the to the listed building is considered 'less than substantial' but this is only because 'substantial harm' is an exceptionally high test. The scale of this work is such that the harm should be considered to be at the very highest possible level of 'less than substantial' to the degree that if the interior of the property has been stripped of historic value previously, such that the exterior is the only remaining aspect of value, that this scheme would easily tip into 'substantial' harm. Consequently, if the application is not refused, I would recommend that the applicant be required to provide - prior to determination - a full photographic survey of the interior.

The justification provided for the proposed works; that being that the existing windows are rotten and unsightly whilst true, is totally insufficient. There is nothing about either realities presented that prevents the building owner from reasonable being expected to utilise windows which are materially and visually appropriate for the listed building. In fact, these supposed justifications only enhance the argument that the replacements should be as fully appropriate as possible to the status of the listed asset.

The applicant then also seeks to justify the proposal by extolling the qualities of the proposed replacement windows. As the he LPA's conservation specialist advisor, I entirely disagree and consider the proposed UPVC windows to be wholly inappropriate and low quality compared to the needs and expectations of a listed building. The notion that UPVC is a high quality material in this context is a nonsense.

Statement 5 included within Section 6.1 of the included HIA, demonstrates a concerning lack of consideration and knowledge of the requirements for conserving a listed asset by asserting that simply because the rear elevation is less prominent, that the impact of harmful works is lesser.

This is a listed building, the entirety of the building is listed, and so harm is equally unacceptable in all positions - albeit the impact to the conservation area is lesser.

I find the justification to be neither clear, nor convincing in the slightest.

Subject to Para 215. of the NPPF, there is also very little to no public benefit against which to weigh the harm, as the property is wholly in private ownership and so essentially all benefits would be enjoyed by a private individual(s).

Consequently, I strongly recommend that both applications be refused for failure to satisfy the requirements of section 16 of the NPPF, as well as Policy 29 of the SELLP.

SELCP Ecology

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist.

Highway and Lead Local Flood Authority

The proposal does not have an impact on the Public Highway.

Historic Places Team

Thank you for consulting us on this application. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request. Finally, as the proposal includes the replacement of external elements within Spalding Conservation Area and affects the setting of the Grade II listed MLI94491 Star Relay Warehouse, High Street, the SHDC Conservation Officer should be consulted prior to determination, given the potential indirect impacts on the significance of the conservation area

Environment Agency

Whilst we have no objection to this application, we would like to draw the applicant's attention to the following informative comment:
Environmental permit - advice to applicant
As the site falls within 20 metres of a Main River, please see the following: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
-on or within 8 metres of a main river (16 metres if tidal)
-on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
-on or within 16 metres of a sea defence
-involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
-in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. In any event, the proposal solely relates to works to an established building, the principle of such development is considered to be appropriate.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

Layout, Design, Scale and Consideration of the Character of the Area and the Historic Environment

Policy Context - Character and Design

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy Context - Heritage and Conservation

The site lies within Spalding Conservation Area and is Grade II listed.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

In assessing proposals of this nature, the Local Planning Authority must also ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and

their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF 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 220 expands upon this, in relation to Conservation Areas, stating:
"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29 of the SELLP outlines that all proposals shall conserve and enhance the character and appearance of designated heritage assets. Section A of Policy 29 outlines criteria which applications relating to listed buildings should conform to. These are as follows:
"1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.
2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy
3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:
1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Assessment

The existing unit forms a prominent and high quality building, with largely traditional features and proportions, which contribute positively to the character and appearance of the street scene and the Conservation Area. The retention of these more traditional features contributes positively to the appreciation of the listed asset.

The Applicant has stated that the replacement windows would be "like for like". However, replacement windows of similar modern materials would not fully replicate the appearance of the timber-framed windows, including matters of finish and fine detailing.

The installation of UPVC would remove important historical fabric of this property and not replace 'like for like'. The frames of the UPVC windows would appear thicker than the existing timber-frames and the tactility of the material would be inherently different. The double glazing would appear thicker than the existing single glazing, again augmenting the perceived proportions of the building. This would detrimentally alter the appearance of the principal elevation of the building and harm to the historic integrity and significance of this heritage asset.

Whilst views of the rear would be less prominent, views from the public realm would still be available from Beechfield Gardens and Holland Road. The Beechfield Medical Centre and carpark to the rear of the application site would result in a greater level of footfall, thereby increasing the impacts of development.

In any event, this element would still affect the asset as a whole, as per the Conservation Officer's comments; and therefore, whilst the effect of changes upon the setting of the building and Conservation Area would be less, the effect upon the listed building itself would be the same regardless of positioning. As such, the rear elements would also fail to preserve or enhance the listed building.

It is accepted that the existing frames are in disrepair. However, there is no evidence before the Council to suggest that they could not be replaced in a more sympathetic manner. Whilst it has been stated that repairs are unviable, this has not been fully evidenced, and in any event, even if repairs are unviable, it has not been outlined as to why alternative timber frames are unviable also. This approach would be consistent with the Historic England guidance "Modifying Historic Windows as Part of Retrofitting Energy Saving Measures".

Moreover, the existing windows which the proposal seeks to replicate are of themselves anachronistic. A lower quality replication of a feature which is already detrimental to the appreciation of the building would simply further degrade the asset.

The comments and objections the Conservation Officer are strong in this regard, and carry significant weight.

As such, less than substantial harm to the listed building and the Conservation Area would occur through the proposed alterations, with said harm being at the higher end of less than substantial harm as per the comments of the Conservation Officer. Accordingly, as per Paragraph 215 of the NPPF, the harm identified should be weighed against the public benefits of the proposal. These benefits are discussed in greater details within the relevant sections of this report; however, in brief, it is not considered that these benefits would be so substantial as to outweigh the identified harm.

In any event, regardless of the extent of harm identified, Policy 29 is clear that all proposals should preserve or enhance the Conservation Area and listed buildings. Part B of Policy 29 is sexplicit that this extends to the retention of distinctive materials. Therefore, the removal of a traditional, vernacular material and its replacement with a less sympathetic modern material would fail to preserve the assets, and would be contrary to Policy 29 as a result.

For these reasons, the proposal is considered contrary to Policies 2, 3 and 29 of the SELLP and Section 12 and 16 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

No new openings would formed, therefore no additional overlooking would arise.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of

impact upon residential amenity.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of 1m.

Footnote 62 of the NPPF, alongside Paragraph 176, outline when the sequential test should not be applied. The proposal would not strictly meet these relevant caveats. That being said, the nature of the development would mean that it inherently could not be located elsewhere. Moreover, the proposal would have no impact upon the vulnerability of the building to flooding, nor to the risk of flooding elsewhere. Therefore, resisting the application on flood risk grounds would be inappropriate.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Impacts of Climate Change

In respect of the climate emergency, Section 14 of the NPPF states that new development should

be planned for in ways that: "avoid increased vulnerability to the range of impacts arising from climate change" with care taken to ensure that, where development is brought forward in areas which are vulnerable, "risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and help to reduce greenhouse gas emissions, such as through its location, orientation and design".

Paragraph 166 of the NPPF details that when determining planning applications, Local Planning Authorities should "expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption", with 'significant weight' given to "the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)".

It has been stated that the new windows would increase thermal efficiency, partly due to the poor condition of the existing windows. That being said, it has not been evidenced that alternative proposals, such as the installation of new timber windows, would not have a comparable effect. As such, the weight attributed to this point is tempered.

In any event, the benefit of reduced running costs would largely accrue to private interests rather than being wider public benefits. Moreover, it is not considered that the minor environmental benefits from the increased energy efficiency would outweigh the identified harm.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The proposal would be exempt under the de minimis exemption outlined in the regulations. The comments of the SELCP ecologist are noted; however, fundamentally, it would be disproportionate to require wider ecological measures to be implemented due to the nature of this application.

Outstanding Matters from Representation

The comments of the Environment Agency are noted; however, their permitting would fall outside of the planning regime and is therefore not a material consideration here.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as

amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal would fail to preserve or enhance the conservation area or the listed building. The loss of traditional, vernacular materials with modern UPVC would detrimentally affect the appreciation and significance of the heritage assets. The benefits arising from the proposal are limited, and would be for the sole benefit of the occupiers predominantly. Therefore, the proposal is considered contrary to Section 16 of the NPPF and Policy 29 of the SELLP and the proposal does not comprise an outweighing public benefit.

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.

Conclusion

Taking these factors into consideration, the proposal is considered contrary to Policies 2, 3 and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.