

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0710-23 **Applicant:** Gibbs Shoes

Proposal: Replacement windows and doors to first floor north, south & west elevations

Location: 22 Hall Place Spalding

Terminal Date: 4th October 2023

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 2023

Sections 12 and 16 of the National Planning Policy Framework (2023)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the replacement windows and door on the north, south and west elevations of the 1st floor courtyard. It is proposed that the existing timber windows be replaced with UPVC.

Site Description

22 Hall Place is situated in a highly central portion of the Spalding Conservation Area. The host property is c19th commercial/retail building, with a partial traditional timber shopfront consisting corniced fascia, corbels, capitals and plain pilasters. This fronted with floor to ceiling glazing. However, the property also has a 2nd frontage, with a historic shopfront facing onto chapel lane at

the rear - this is an unused shop front with a simpler, fascia, corbels and pilasters with timber stallrisers. Above ground floor level on the southern elevation are two, timber side opening windows, the exterior northern elevation features two windows, both timber, 1 sliding sash, the other is a set of 3 casements. It should be noted that the above ground floor elements of the property do not constitute a full storey, only a perimeter gallery forming an open air courtyard of sorts - this proposal only covers windows facing onto this courtyard.

The property is within close visual range of a number of Grade II listed properties.

History

H16-0138-18

Proposed new shop front. Refused on 10-04-18

H16-0499-18

Proposed new shop front - re-submission of H16-0138-18. Approved on 17-07-18

Consultation Responses

None received.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider the proposal to present a risk to the value or significance of the Conservation Area or any of the nearby Grade II listed buildings. Typically, UPVC would not be considered to be acceptable for use within a conservation area setting, particularly in such a central and prominent location. However, in this specific instance the proposed replacement windows would not at all be visible from any public areas and as a result, the existing timber units are not contributing to the value or significance of any nearby or associated heritage asset. Therefore, they can be removed and replaced without harming the setting. For this reason, in this very specific instance, it is considered that replacement of timber windows with UPVC would represent a conservation of the Historic Environment by virtue of a lack of an appreciable impact.

Amenity

The Local Planning Authority does not consider there to be any risk presented to the amenity of any nearby settings by this proposal. The applicant does not seek to dimensionally alter the property and neither is it proposed to create any new window openings. Additionally, all of the neighbouring properties are commercial, rather than residential in nature. As such, this proposal does not present any material risk of overlooking or overshadowing to any neighbouring residential properties.

Conclusion

For the reasons listed above, this application is deemed 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 (2023). 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.