DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0952-19**	**Applicant:**	**New View Windows Ltd**
Proposal:	Change wooden windows to first and second floor to upvc (retrospective)		
Location:	13 Station Street Spalding		
Terminal Date:	10th March 2020		

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 2019

Section 12 - Achieving well-designed places.
Section 16 - Conserving and enhancing the historic environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The proposal is for retrospective full planning permission to replace previously extant timber windows with uPVC bottom opening windows.

Site Description

The proposal site is the 1st and 2nd floor residential units above the current 'Spalding Market' along station street, within the Spalding Conservation Area.

Station Street is a prominent portion of the Spalding Conservation Area, being one of the town's main thoroughfares into the highly characterful and significant 'Sheep Market' area of the town. The

proposal site is visible from that prominent location.

The building itself has a commercial ground floor, with the residential space on the 1st and 2nd floors. The area immediately surrounding the building is characterised primarily by C19th - early C20th commercial properties. The host property is notable in the immediate area for its facade which employs decorative brick detailing and a brick type which is distinctive amongst its immediate surroundings - all of which contribute to this building (and the proposal elevation) being highly prominent in views of Station Street. The window which were replaced were Georgian sash, timber 6 over 6 (with lower replacement glazing) and 3 over 6 units, featuring slim frames and glazing bars.

History

H16-1178-97

Erection of fascia sign (retrospective). APPROVED on 30/01/1998

H16-0561-09

Alterations to shop entrance. APPROVED on 28/09/2009

H16-0008-12

New Shop front (retrospective). APPLICATION WITHDRAWN on 30/02/2012

H16-0243-16

Single-storey rear chiller extension and change of use to first and second floors to storage, staff facilities and B1 offices for managers and staff. REFUSED on 12/05/2016

H16-0566-16

Single-storey rear store and office extension (resubmission of H16-0243-16). APPROVED on 25/07/2016

Consultation Responses

None received.

Planning Considerations

Impact upon the Conservation Area

UPVC is not a traditional, vernacular material and as such is unsuitable for use in Conservation Areas.

The proposed windows are positioned on the significant main elevation facing the public realm on Station Street. As the site is within Spalding Conservation Area - it is considered that the white uPVC windows are significantly harmful to the qualities of the historic setting.

The Local Planning Authority seeks to use the controls that are available in order to ensure wherever possible that development preserves or enhances the character and appearance of the District's conservation areas. The installation of uPVC, particularly white, bottom opening windows, has an unacceptably harmful impact. The alien appearance of modern plastic material in a traditional area undermines the character and appearance of the conservation area.

In addition, the Local Planning Authority does not agree with the findings of the Heritage Impact Assessment prepared by New View Windows Limited when it states that the replacement windows are "...a match for the ones already in place." These bottom opening windows are entirely separate in design to the Georgian sash, timber 6 over 6 (with lower replacement glazing) and 3 over 6 units, featuring slim frames and glazing bars which were in place and are viewable from as late as September 2018 on Google Street View.

For the reasons above, it is determined that these proposals are contrary to Policy 29 (specifically Section B) of the South East Lincolnshire Local Plan (2019) and to national guidance set out in

Section 16 of the National Planning Policy Framework (2019), in that they neither conserve nor enhance the significance or visual/aesthetic qualities of the Spalding Conservation Area nor the wider Historic Environment.

Conclusion

For the reasons listed above, this application is found to be not in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for REFUSAL.

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.