

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-1021-19 **Applicant:** Mr A Liquorish

Proposal: Details of doors, windows and rooflights, external boxes, gas flues etc, external illumination and scheme to deal with contamination (Conditions 4, 5, 6, 7, 10 and 11(i) of H05-0373-19)

Location: Primrose Farm Maisdyke Lane Fleet

Terminal Date: 20th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Sections 12 and 15

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 4 (doors), 5 (windows), 6 (rooflights), 7 (external boxes/gas flues), 10 (external illumination) and 11(i) (pollution) of H05-0373-19.

Site Description

The site is located on the western side of Maisdyke Lane and is occupied by a brick barn. A house (Primrose Farm House) is located immediately to the north and a residential property (Marsett)

further to the north-east.

Relevant History

H05-0373-19 - Proposed conversion of barn to dwelling - approved under H05-0131-17.
Modification of Condition 2 to allow amendments to previously approved plans (part retrospective) -
Granted 5 June 2019.

Consultation Responses

Environmental Protection - Recommend discharge of part i of condition 11 of H05- 0373-19

Planning Considerations

The submitted details are considered to be satisfactory in respect of conditions 4 (doors), 5 (windows), 6 (rooflights), 7 (external boxes/gas flues) and 10 (external illumination).

Condition 11(i) (pollution) - Environmental Protection have reviewed the Environment 'Stage 1:Desktop study and preliminary risk assessment report and recommend discharge of part i of condition 11, with sections ii-iv remaining outstanding. The report recommends a limited scope of site investigation.

Conclusion

That conditions 4 (doors), 5 (windows), 6 (rooflights), 7 (external boxes/gas flues), 10 (external illumination) and 11(i) (pollution) of H05-0373-19 be discharged.

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.