

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-1139-21 **Applicant:** Stinders Developments Co Ltd.

Proposal: Details of roof lights (Condition 4 of H05-0256-19)

Location: Alambra Old Main Road Fleet Hargate

Terminal Date: 10th January 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
17	Providing a Mix of Housing
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This condition compliance application is for the retrospective discharging of Condition 4 of H05-0256-21. That condition read as follows;

Condition 4) "Prior to their installation full details of the proposed roof light(s) shall be submitted to and approved in writing by the Local Planning Authority. The roof light(s) shall be installed in accordance with the approved details and thereafter so maintained.

The cill of the helix roof windows shall be set a minimum of 1750mm above first floor level.

Note: The applicant is advised that a flush fitting rooflight of traditional design, having a slim metal frame and central vertical glazing bar, would be appropriate.

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 visual amenity of this part of the Conservation Area in which it is set and to protect the amenity of neighbours by avoiding overlooking of adjacent properties.

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, 2019."

Site Description

As in host application

History

As in host application

Consultation Responses

None requested.

Planning Considerations

Condition 4

The roof light detailed within the provided photos of the finished work is a flush fitting and contain the recommended central glazing bar - emails between officers and the agent confirm that the window is mounted above the correct minimum height as outlined in the wording of the condition.

Due to the above, the Local Planning Authority is satisfied that the roof light, as fitted complies with Condition 4 and therefore, it may be discharged.

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 (2021), and is therefore 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.