

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0641-20 **Applicant:** Mrs R Blake

Proposal: Details of demolition and reconstruction works, 2 barn owl nesting boxes, external finish to roof and landscaping (Conditions 3, 4, 9 and 10 of H09-0798-18 and H09-0385-20)

Location: Adjacent: Rosemead Stotons Gate Holbeach

Terminal Date: 12th October 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 3 (details of demolition and reconstruction works), 4 (2 barn owl nesting boxes), 9 (external finish to roof) and 10 (landscaping) of H09-0798-18 and H09-0385-20.

Site Description

The site (some 0.36ha) is located on the western side of Stoton's Gate, which is an unsurfaced public highway to the east of Holbeach St John's, off Joy's Bank. It is currently occupied by a range of redundant agricultural barns. A house (Rosemead) is located to the north.

History

H09-0798-18 - Full - Proposed conversion of barn to dwelling - Refused 23 November 2018.
Allowed on appeal on 7 August 2019.

H09-0385-20 - S73 - Proposed conversion of barn to dwelling - approved under H09-0798-18 (allowed on appeal). Modification of Condition 2 to allow amendments to previously approved plans - Granted 25 June 2020.

H09-0640-20 - NMA - Proposed conversion of barn to dwelling - approved under H09-0798-18 and H09-0385-20. Amendments to elevations - Under consideration.

Consultation Responses

None.

Planning Considerations

Condition 3 (details of demolition and reconstruction works) - Sections of wall are to be demolished. However, this has already been approved as part of the recent planning permission (ref. H09-0385-20). The new construction is to replace an existing timber element, which is to be replaced. Internal walls to be re-built are not of significant merit and will not be visible. The submitted details are considered acceptable.

Condition 4 (2 Barn Owl nesting boxes) - 2 Barn Owl boxes are to be placed on trees on the western perimeter of the site. This is considered to be a suitable location.

Condition 9 (external finish to roof) - The existing red clay single pantiles will be removed, cleaned and re-used and where more tiles are required they will be matched to the existing tiles. This is considered to be satisfactory.

Condition 10 (landscaping) - The majority of the existing trees are to be retained. The submitted scheme is considered to be acceptable.

Conclusion

That conditions 3 (details of demolition and reconstruction works), 4 (2 barn owl nesting boxes), 9 (external finish to roof) and 10 (landscaping) of H09-0798-18 and H09-0385-20 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.