

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H12-0573-19 **Applicant:** Mr M Harris

Proposal: Details of the method of restricting the full opening of the two first floor windows facing 37 Lime Walk (Condition 4 of H12-0232-13)

Location: Hallgate Timber Lime Walk Farm Lime Walk

Terminal Date: 31st July 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted under application ref. H12-0631-11 for replacement of storage building with showroom and 2 holiday flats at Red Mays Farm, Lime Walk. Long Sutton, Spalding.

Subsequently, planning application ref. H12-0232-13 was approved to modify Condition 3 of H12-0631-11 to allow white UPVC windows and doors in lieu of wooden. The other conditions of the previous application remained.

This planning application seeks permission for discharging Condition 4 of H12-0232-13 about the details of the method of restricting the full opening of the two first floor windows facing 37 Lime Walk.

Site Description

The application site is part of ribbon development along the western side of Lime Walk that leads to the town of Long Sutton. A range of residential and light industrial and agricultural development is in the area. Open fields surround the built environment.

The building that accommodates the holiday flats is long and has a rural appearance after the redevelopment approved under H12-0631-11. One house is on each side.

History

H12-0631-11 - Replacement of storage building with showroom and 2 holiday flats - Approved
H12-0232-13 - Modification of Condition 3 of H12-0631-11 to allow white UPVC windows and doors in lieu of wooden - Approved

Consultation Responses

None

Planning Considerations

The proposed method for restricting the full opening of the two first floor windows of the property consist of window restrictors. The cable would be 20cm long and is able to endure up to a 550 kg force. Suitable for UPVC as well as wooden and aluminium windows. The intended restrictors are characteristic in public buildings. Some photos has been submitted to show how the restrictors fit the windows. No negative observation is made.

Conclusion

In view of considerations above, the details are deemed to be acceptable in complying with Condition 4 of H12-0232-13.

It is therefore recommended to approve this application via delegated powers.

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.