DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0714-19**	**Applicant:**	**Mrs S Sutton**
Proposal:	Details of doors and windows (Conditions 14 and 15 of H15-0766-17)		
Location:	Lindum House New Road Quadring Eaudike		
Terminal Date:	19th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

03	Design of New Development
02	Development Management

National Guidance

National Planning Policy Framework 2019

NPPF Section 16.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks discharge of conditions imposed on:

H15-0766-17, Yew Tree Farm, New Road - Change of use of agricultural building to dwelling.

The Conditions which are being addressed are 14, 15 and 16 which relate to details of the windows and doors.

Site Description

The site is a brick built barn consisting of a High Bay Barn section and single storey barn section creation an 'L' shaped structure of differing heights. The barn is located within open countryside.

History

H15-0766-17, Yew Tree Farm, New Road - Change of use of agricultural building to dwelling.

Consultation Responses

None received.

Planning Considerations

The submitted details are satisfactory, the windows to be supplied by Barnsdales are of a suitable quality and design and conditions 14 and 15 should be discharged.

Condition 16 states that:

"All new window frames, glazing bars and external door frames shall be of timber construction, stained dark brown and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006."

This condition does not actually require discharging it just requires the developer to comply with the details specified - timber and dark brown stain - and for the windows to be thereafter so maintained, it would not be appropriate to discharge the condition as it continues to be in force after the development has been completed.

Conclusion

The information submitted in pursuance of the conditions is suitable and it is recommended that conditions 14 and 15 are discharged.

Condition 16 does not need to 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.