DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0708-23**	**Applicant:**	**Mr C Barrett**
Proposal:	Details of bricks (Condition 3 of H03-0153-23)		
Location:	Boundary House Main Road Deeping St Nicholas		
Terminal Date:	3rd October 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at Boundary House, Main Road, Deeping St Nicholas to address Condition 3 of H03-0153-23 for details of the proposed brick to be used in the development. The proposed will be Tarmac Hemelite Solid Standard with blue engineering brick for the base. The extension and existing dwelling is to be covered by GRC heavy duty fibreglass render in an antique white colour.

SITE DESCRIPTION

The site is out of defined settlement limits close to the district border with South Kesteven District Council. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The applicant's business Deeping Van Hire is sited to the northern rear of the proposal. The site is in Environment Agency Flood Zone 2 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H03-0370-22

Full - Extensions and alterations to dwelling - Approved - 27 June 2022.

H03-0153-23

Full - Extensions and alterations to dwelling - Approved - 10 May 2023

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Accordance with Condition 3 of H03-0153-23 - Brick Type to be Agreed

Condition 3 of H03-1053-23 states:

"Before the commencement of the development hereby permitted beyond oversite, details of the brick(s) to be used to the external walls of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Whilst the initial proposal was for brick, the applicant has encountered problems securing a brick to match that of the existing dwelling. Therefore a decision has been taken by the applicant to render the existing dwelling and approved extension. It is not considered that the use of render in this location will have a material impact on the appearance of the surrounding area, which is predominately rural and does not have a defined built character.

The proposed render is considered to be appropriate for the site.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed render material and colour is considered to be appropriate for the dwelling.

CONCLUSION

This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the application should be approved under Delegated Authority.

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.