DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0040-20**	**Applicant:**	**Mr D Roberts**
Proposal:	Details of external materials, landscaping & finished floor levels (Conditions 3, 4, & 5 of H08-0340-18)		
Location:	Land Adjacent: 61 Bowgate Gosberton Spalding		
Terminal Date:	12th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5 and 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is condition compliance application for details of external materials, landscaping & finished floor levels (Conditions 3, 4, & 5 of H08-0340-18) on land adjacent 61 Bowgate, Gosberton

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by frontage dwellings of varying ages and design.

History

H08-0340-18

Full - Proposed chalet bungalow - Approved - 26 June 2018.

H08-0041-20

Section 73 - Proposed chalet bungalow - approved under H08-0340-18. Modification of Condition 2 to allow amendments to previously approved plans- UNDECIDED

Consultation Responses

Member of the public - Comments

Wishes to see proposal address amended - This has been actioned and carries minimal planning weight.

Planning Considerations

Condition 3 - External Materials

Hanson Rural Blend brickwork, Sandtoft Calderdale Slate Concrete tiles and White UPVC doors and windows are the external materials of construction. These are considered to be appropriate for the site.

Condition 4 - Landscaping

Existing conifers at the front of the site will be reduced from 3 metres to 0.9 metres, with low level planting sited to the front of the principal elevation wall. The perimeter hedge to the side and rear of the property on the western boundary will be maintained at the existing height. The landscaping is fairly basic but is considered to be appropriate given the scale and siting of the site.

Condition 5 - Finished floor levels

The site is within Flood Zone 3 of the Environment Agency Flood Maps, and it not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. This condition requested that finished floor levels are set a minimum of 300mm above the centre of the road known as Bowgate. The submitted Site Block Plan under reference 3051 - 01 rev C states that the proposal will comply with this request.

Conclusion

Conditions 3, 4 and 5 of H08-0340-18 are now considered to have been addressed.

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.