DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0082-21**	**Applicant:**	**Mr M Garner**
Proposal:	Details of external materials, windows, external boxes etc, boundary treatment, landscaping, guttering, solar panels and surface water disposal (Conditions 3, 4, 5, 6, 7, 8, 9 & 10 of H08-0293-20)		
Location:	Adj. Capontoft Cheal Road Gosberton		
Terminal Date:	23rd March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of external materials, windows, external boxes etc, boundary treatment, landscaping, guttering, solar panels and surface water disposal (Conditions 3, 4, 5, 6, 7, 8, 9 & 10 of H08-0293-20).

Site Description

As original application except construction of the dwelling has commenced.

Relevant History

H08-0293-20 - Full application - Construction of detached dwelling and garage with access and

associated works (previously approved under H08-0142-19) (approved June 2020)

Consultation Responses

Welland and Deepings IDB - Any discharge to any watercourse requires the submission of the correct number of applications to the Board in advance which are subject to the agreement of technical details, payment of the correct application fee(s) and payment of the necessary development contribution(s).

Planning Considerations

Condition 3 (materials schedule) - Proposed materials for the dwelling and garage are TBS Audley Antique brick and Phalempin Rustic Red/Val De Seine blend roof tiles. Example photographs of oak weatherboarding have been provided, as well as for the external tiles/slabs and gravel. The proposed materials would achieve a high quality finish and would not be unduly at odds with other development in the vicinity.

Condition 4 (design of windows and doors) - The majority of window frames and doors would be aluminium in grey, with the hall and sitting room windows and main door being aluminium/oak. Photographic examples have been provided and this appears to be acceptable in visual terms.

Condition 5 (guttering fixing) - This is a condition that is discharged by fixing the guttering as specified by the condition.

Condition 6 (domestic accoutrements) - The electricity box would be located on a side elevation and soil vent pipes would be located on the northern side. They would therefore be in more discreet locations.

Condition 7 (boundary treatment) - To the northern boundary will be a 1m high earth bank topped with mixed hedge, hawthorn, blackthorn, buckthorn, beech and holly to provide screening of the agricultural building being constructed behind. To the western boundary is the existing Copper Beech hedge, and a 3 bar wooden fence will be constructed along the remainder of that boundary. There is a 3 bar wooden fence to the southern boundary and the existing trees. The eastern boundary will be the existing 2.4m high featherboard fence. The existing hedge to the western and eastern boundaries are of suitable condition and height to adequately protect residential amenity.

Condition 8 (landscaping) - The site will remain largely as existing with trees and grassed areas being retained. This is acceptable given the rural nature of the site.

Condition 9 (installation of solar panels) - This is a condition that is discharged by installing the panels as per the condition.

Condition 10 (foul and surface water drainage) - A foul water treatment plant is to be installed on site and surface water will be disposed of via soakaway (any excess to be discharged to watercourse). This is an acceptable arrangement in principle.

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.

Conclusion

Taking the above into account, it is considered that Conditions 3, 4, 5, 6, 7, 8, 9 & 10 of H08-0293-20 can be discharged.