DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0860-20**	**Applicant:**	**Mr & Mrs R Gordon**
Proposal:	Details of external materials (Condition 3 of H09-0045-20)		
Location:	34 Fen Road Holbeach Spalding		
Terminal Date:	30th November 2020		

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

Section 12

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 3 of H09-0045-20 (details of external materials).

Site Description

The site (some 0.13 ha) is presently occupied by buildings, with access via a tarmac private driveway.

A holiday cottage and No. 34 Fen Road are situated to the east and bungalows to the west. Bungalows situated off Tudor Way are located to the north-east on the opposite side of the private roadway. An application for residential development (83 dwellings) on land to the south was approved on 9 October 2020 (ref. H09-0276-19).

History

H09-0045-20 - Full - Residential Development (erection of 4 dwellings) - Granted 3 July 2020.

Consultation Responses

Planning Considerations

There is an eclectic mix of properties within the vicinity. A significant number have been constructed in red brickwork. The proposed materials are a Forterra Hampton Rural Blend brick and Sandtoft TLE Slates (grey), with cream uPVC windows. The submitted details are considered to be acceptable and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan.

Conclusion

That condition 3 of H09-0045-20 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.