

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0384-21 **Applicant:** Kirk Homes Ltd.

Proposal: Details of external materials and landscaping (Conditions 3 & 4 of H16-0170-18)

Location: 7 & 8 River Bank Spalding

Terminal Date: 8th June 2021

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 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of external materials and landscaping (Conditions 3 & 4 of H16-0170-18).

Site Description

As original application but development has commenced.

History

H16-0170-18 - Full application - Replacement cottages (approved July 2018)

Consultation Responses

None.

Planning Considerations

Condition 3 (external materials) - Proposed brick type is a red multi stock brick and proposed roof tiles are red concrete interlocking pantile. Windows are to be UPVC and doors black/grey composite. Areas of hardstanding are to be charcoal block paved. Given the variety of materials visible in the vicinity, these materials are acceptable.

Condition 4 (landscaping) - Proposed landscaping is limited given the size of the site. Rear gardens will be lawn with small shrubs being planted at the western extent. 1.8m timber feather edge fencing is proposed to the rear, which was previously approved.

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 of H16-0170-18 can be discharged.