DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0237-22**	**Applicant:**	**Mr M Gray**
Proposal:	Details of materials to be used on external walls of garage (Condition 2 of H17-1347-21)		
Location:	Mala Wala Birds Drove Surfleet		
Terminal Date:	29th April 2022		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for the details of the materials to be used on the external walls of the garage at Mala Wala, Birds Drove, Surfleet, and directly relates to Condition 2 of H17-1347-21.

SITE DESCRIPTION

The site is outside of defined settlement limits in the open countryside. The surrounding area is predominately rural, characterised by buildings of varying ages and designs. The replacement dwelling has been constructed but never inhabited. The dwelling is in Environment Agency Flood Zone 3, and is in a "Low Hazard" hazard area with a maximum predicted flood depth of 0.25 metres. The garage building does not constitute a habitable use, therefore there is not a requirement to raise finished floor levels to address flood risk.

RELEVANT HISTORY

H17-0500-92

Full - Replacement dwelling - Approved - 04 August 1992

H17-0728-95

Condition Compliance - Details of design and external appearance of replacement dwelling (Condition 2 of H17/0500/92) - Approved - 31 May 1996

H17-1051-97

Condition Compliance - Details of landscaping and external materials (Conditions 3 & 5 of application H17/0500/92) - Approved - 22 October 1997

H17-1188-19

Section 73 Continuation - Replacement dwelling - approved under H17-0500-92 - Modification of Condition 6 to allow cottage to be demolished before replacement dwelling is inhabited - Approved - 30 January 2020.

H17-1347-21

Section 73 Continuation - Replacement Dwelling - approved under H17-1188-19. Modification of Condition 1 to allow amendments to previously approved plans and removal or modification of Condition 2 to allow the existing dwelling to remain on site - Approved - 23 February 2022.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Compliance with Condition 2 of H17-1347-21

Condition 2 states:

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

The submitted application states that the proposed external materials will be a through coloured render system, off-white colour (VPI Manufacturer ECRU 20). The proposed render colour is neutral in tone and does not impact the character and amenity of the surrounding area. The proposed render is considered to be appropriate for the site.

Condition 2 of H17-1347-21 is considered to have been satisfactorily addressed.

CONCLUSION

This application is recommended for approval.

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.