

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0322-20 **Applicant:** Mr A Hefford

Proposal: Details of materials and contamination report (Conditions 3 and 4 of H20-0316-17)

Location: 67 Chapel Gate Sutton St James Spalding

Terminal Date: 16th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application for details of materials and contamination (Conditions 3 and 4 of H20-0316-17) at 67 Chapel Gate, Sutton St James.

Site Description

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

History

H20-0316-17

Full - Link existing dwelling and garage building to create a family home - Approved - 04 May 2017

Consultation Responses

North Level Internal Drainage Board - No objections.

Environmental Protection Officer

In general agreement with the submitted report. Requests an unexpected contaminated land informative.

Planning Considerations

Compliance with Condition 3 of H20-0316-17 - Materials

The submitted proposed materials are:

Parapet to cottage roof - Blue engineering facing brick sat on creasing tile
Cottage and both garage roofs - Grey Green natural slate
Cottage walls facing the road - Original face brick work repointed
Cottage wall facing the garden - Light coloured render
Link wall facing the road - Light coloured render
Link wall facing the garden - Light coloured render
External walls of both garages - Cement board cladding C06 Cedral
Plinth to whole structure - Red brick with engineering plinth stretchers

The materials are considered to be appropriate for the building and will enhance the character of the building and the surrounding area.

Compliance with Condition 4 of H20-0316-17 - Contaminated Land

The submitted contaminated land report is considered acceptable by the Environmental Health Technician who has requested an unexpected contamination land informative.

Conclusion

It is considered that conditions 3 and 4 of H20-0316-17 have now 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.