

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0541-21 **Applicant:** Mrs S Sutton

Proposal: Details of landscaping & further details relating to vehicular access to public highway (Conditions 8 & 10 of H15-0766-17)

Location: Sunnylea Barn New Road Quadring Eaudike

Terminal Date: 9th July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is a condition compliance application for the discharge of conditions 8 and 10 of application H15-0766-17.

Condition 8 of H15-0766-17 states:

"Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together

with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

Condition 10 of H15-0766-17 states:

Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

The applicant has submitted a scheme of planting as well as details of the access road to the property.

Site Description

As in host application

History

H15-0766-17. FULL Change of use of agricultural building to dwelling. APPROVED 02-10-17.

H15-0063-19. Details of Conditions 3, 4, 5, 6, 9, 11, 12, 13 and 17 of H15-0766-17. APPROVED 27-03-19.

H15-0760-21. Details of soakaway system for disposal of surface water (Condition 7 of H15-0766-17). APPROVED 07-09-21

Consultation Responses

Lincolnshire County Council Lead Local Highways and Flood Authority

Initially raised objections to the size of the hard standing bound area. However, following discussions between the applicant and the Highways Authority, the stance was changed and no objections were raised.

Planning Considerations

Condition 8

The applicant has submitted details of the planting - as the host application was a conversion proposal rather than new construction, the property already benefitted from existing planting at time of the submission of the original application. No change is proposed by this application and as such the scheme simply outlines the planting which already exists on site. Therefore, these details are considered to be acceptable and therefore, condition 8 may be discharged.

Condition 10

The applicant has provided details of the existing vehicle accessway. Lincolnshire County Council Highways Authority have raised no objections and as such these details are considered acceptable, meaning condition 10 may be discharged.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 15 of the NPPF (2021). Therefore, 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.