DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0785-23**	**Applicant:**	**Mr I Bates**
Proposal:	Details of schedule of external materials of construction of buildings & hard surfaced areas, Landscaping & tree planting for the site & Proposed boundary treatments (Conditions 3, 5 & 6 of H17-0130-23)		
Location:	Land Off Station Road Surfleet Spalding		
Terminal Date:	30th October 2023		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for details of schedule of external materials of

construction of buildings & hard surfaced areas, Landscaping & tree planting for the site & Proposed boundary treatments (Conditions 3, 5 & 6 of H17-0130-23) at Land off Station Road, Surfleet.

SITE DESCRIPTION

The site is within the defined settlement limits of Surfleet. Dwellings and the Riverside Public House are sited to the south on the opposite side of Station Road. 176 Station Road and the garden area of 172 Station Road are located to the west of the site. Established trees are outside but adjacent to the northern boundary of the site, with Station Road and dwellings beyond. Untidy waste ground is located beyond the eastern boundary of the site. The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is therefore not a requirement to raise finished floor levels to address potential flood risk.

RELEVANT HISTORY

H17-1040-17

Full - Demolition of shed and associated outbuildings and replacement with five 2 and 3 bedroom houses - Approved - 26 April 2018.

H17-0219-21

Condition Compliance - Details of existing & proposed site levels, scheme to deal with contamination, storage & disposal of refuse & recycling, boundary treatment and external materials (Conditions 3, 4, 5, 7 and 8 of H17-1040-17) - Withdrawn.

H17-0130-23

Full - Demolition of 180 Station Road, associated outbuildings, adjacent shed and erection of 7 two and three bed houses - Approved - 15 August 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS

No objection:
"Conditions 3, 5 and 6 of H17-0130-23 concern matters that are not related to highways and so the highway authority does not wish to object to the discharge of these Conditions."

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Assessment against Condition 3 of H17-0785-23 - Materials Schedule

Condition 3 states:

"Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials 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 proposed brick for all seven plots is Vandersanden Bellona with Vandersanden Lindebloem detailing brick. Plots 1-2 and 4-7 will have Wienberger Double Pantile Dark Grey tiles with Wienerberger Double Pantile Terracotta Red tiles for Plot 3 on the frontage. White windows and doors will be installed on all plots, with white meter boxes and black half round gutters.

The proposed brick is dark red in nature and is in keeping with other bricks along Station Road. The proposed materials are considered to be appropriate for the site and surrounding area.

This Condition has now been addressed.

Assessment against Condition 5 of H17-0785-23 - Landscaping Detail - Full

Condition 5 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 (including screening of bin collection points) 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 and completed in its entirety during the first planting season following practical completion of the development. 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 submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021."

The submitted landscaping plan shows that trees beyond the red line boundary will be retained but trimmed where appropriate. Shrubs will be sited around the frontage and rear parking bays with three proposed trees to the rear of Plots 1 to 3. Paving slabs will be sited at the frontage and rear entrances to the properties with natural grey block paving for the private road, and charcoal block paving.

The landscaping is considered to achieve a biodiversity net gain as the site currently contains a dilapidated industrial building. Existing trees around the site are also to be retained. This ensures that the site retains a natural border and has a more open frontage.

This Condition has now been addressed.

Assessment against Condition 6 of H17-0785-23 - Details of Boundary Treatment

Condition 6 states:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the

Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The proposed boundary treatment is 1.8 metre high close boarded fencing to the rear gardens of the plots as well as the western boundary. A 1.2 metre high estate rail fence will be located along the eastern boundary adjacent to the public right of way. The proposed treatment allows for an open appearance to the frontage of the dwellings, whilst securing the rear gardens of all plots.

This Condition has now been addressed.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.