DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1161-22**	**Applicant:**	**Lincolnshire Co-Operative Ltd.**
Proposal:	New tarmac service yard and access to service yard added to the south west of the site and existing car park and driveway from Gosberton Road re-surfaced - retrospective		
Location:	South Lincs Crematorium Gosberton Road Surfleet		
Terminal Date:	26th January 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking retrospective planning permission for a new tarmac service yard, a new driveway to access the service yard and the re-surfacing to match existing of existing car park

and driveway at the South Lincolnshire Crematorium, Gosberton Road, Surfleet.

Site Description

The application site is surrounded by open arable farmland. It is defined on its eastern boundary by B1356 Gosberton Road and to the west by a drainage watercourse. The north and south boundaries abut neighbouring farmland.

History

H17-1009-11- Full- Proposed crematorium with associated car parking, access, landscaping and boundary treatments- Granted 26 March 2012.

Consultation Responses

Highway and Lead Local Flood Authority

No objection.

The formation and use of the service yard and its access road would have no impact upon the safety or the capacity of the local highway network. No changes are proposed to be made to the Crematorium access. There is sufficient open grassed area surrounding the service area and access road for any surface water run-off from the additional impervious area to be absorbed without increase in flood risk to the site or to surrounding land. The highway authority and lead local flood authority does not therefore wish to raise any objection to this Application.

Surfleet Parish Council

No comment.

Welland & Deepings IDB

No comment.

Planning Considerations

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The tarmac surface to the west of the crematorium does not pose any detrimental impact upon the surrounding character of the area given its distance to public vantage points. Given that the public car park to the east of the service yard was and continues to be also a tarmac surface, it is not an unacceptable contrast and is therefore considered acceptable.

Taking the above into account, the tarmacking and resurfacing works are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Highway Safety and Drainage

The Local Highway Authority have raised no objection to this proposal. There is sufficient open grassed area surrounding the service area and access road for any surface water run-off from the additional impervious area to be absorbed without increase in flood risk to the site or to surrounding land.

It is therefore not considered that the proposal would adversely impact upon highway safety or

surface water drainage in anyway and therefore the proposal complies with Policies 2 and 3 in the SELLP, 2019.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The tarmacking and resurfacing works do not materially harm the character or appearance of the locality, highway safety or surface water drainage. It is therefore considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

Conclusion

Based on the reasons outlined above, the recommendation is for a delegated 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.