DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H18-0649-24** | **Applicant:** | **API** |
| **Proposal:** | Details of external materials for construction of buildings & hard surfaced areas & boundary treatments (Conditions 3 & 4 of H18-0722-22) | | |
| **Location:** | Former Conservative Club 2 New Road Sutton Bridge | | |
| **Terminal Date:** | 24th September 2024 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2023**

**Representations:**

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

CASE OFFICER ASSESSMENT

**Proposal**

This application seeks to discharge of planning conditions 3 and 4 attached to H18-0722-22. The condition involves details of materials and boundary treatments.

**Site Description**

The site is located on New Road in Sutton Bridge. It forms part of the Sutton Bridge Constitutional Club. The part of the building proposed to be demolished is single storey red brick built and the remaining part of the club is two storey. A low level boundary wall and railings form the front boundary. The immediate area is primarily residential comprising a mixture of detached, semi-detached and terraced dwellings. The site is located within flood zone 3.

**History**

H18-1215-00 - Erection of single storey front extension - Approved

H18-1099-19 - Development of site comprising 2 commercial units on ground floor with 2 self-contained flats above - Approved

H18-0189-22 - Demolition of function room and erection of pair of semi-detached houses - Withdrawn

H18-0722-22 - Residential Development - Erection of Pair of Semi-Detached Houses - re-submission of H18-0189-22 - Approved

H18-0963-23 - Details of boundary treatments (Condition 4 of H18-0722-22) - Withdrawn

H18-0309-24 - Residential Development - Erection of Pair of Semi-Detached Houses - approved under H18-0722-22. Modification of Condition 2 to allow amendments to previously approved plans - Approved

## Consultation Responses

Lincolnshire County Council Highways

Recommendation:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

Details of external materials for construction of buildings & hard surfaced areas & boundary treatments (Conditions 3 & 4 of H18-0722-22). The conditions to be discharged are not highway conditions, I am happy that they will not have an adverse impact on the public highway.

## Planning Considerations

Condition 3 - Materials Schedule

Condition 3 states that -

*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 materials have been outlined in a Construction Materials document which states the following:

Walls - Bricks to be Vandersanden cottage mixture
Roof - Roof tiles to be Edgemere slate grey
Rainwater Goods - Black uPVC gutters and downpipes
Windows - White uPVC windows, double glazed casement windows with Georgian bar rehau 70mm or similar

External Door - Front door
Stone Cills - Stone window cills
Chimney - GRP chimney pre fabricated
Front Porch - GRP porch pre fabricated

These materials are considered to be acceptable and ensures the development is suitable in the character and appearance of the street scene and locality and does not harm the visual amenity of the area.

Condition 4 - Details of Boundary Treatments

Condition 4 states that -

*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 boundary treatments include a 1.8m high fence on the side boundary with a 3m high fence separating the two plots at the rear. Although the finished floor levels of the property will be raised this will not render the fences obsolete as there are no side elevation windows that could overlook the fences which allows the amenity of the area to be unharmed in this instance.

## Conclusion

Conditions 3 and 4 of H18-0722-22 are acceptable and can be discharged.

## 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.