

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0420-23 **Applicant:** Burmor
Proposal: Details of Landscape Management Plan (Condition 11 of H02-0054-18)
Location: Land At 18 Low Road/Plank Drove Crowland Spalding
Terminal Date: 30th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Condition compliance application to discharge condition 11 of H02-0054-18, relating to a landscape management plan.

Site Description

The site is approximately 1.54ha in size and it is irregular in shape with a road frontage of approximately 127m to Low Road and a frontage of approximately 77m to Plank Drove. The depth of the site varies from approximately 77m to the west and approximately 161m to the east.

There is an existing bungalow located centrally along the Low Road frontage and the foundations of former agricultural buildings in the southwest corner of the site accessed from Plank Drove. The

balance of the site is agricultural land.

There are trees within the garden of the bungalow and trees and hedgerow to the eastern boundary. There is existing residential development to the east in the form of large, detached houses on large plots. To the southeast are detached properties.

There is agricultural land to the south. On the opposite side of Low Road to the north are paddocks and dyke.

Relevant History

H02-0054-18 - Outline. Proposed residential development. Approved 03/10/19.

H02-1090-19 - Reserved Matters. Residential development - 30 dwellings and associated works - outline approval H02-0054-18. Approved 26/05/21.

H02-0121-20 - Condition Compliance. Details of foul water disposal, finished floor levels, and surface water drainage (Conditions 14, 16 and 22 of H02-0054-18). Approved 26/05/21.

H02-0105-22 - Condition Compliance. Details of construction management plan, contamination, landscaping & hedge planting, lighting, refuse, visibility splays, footway, phasing, street maintenance & highway design (Conditions 5, 6, 7, 8, 10, 13, 15, 17, 18, 19, 20 & 21 of H02-0054-18). Approved 06/12/22.

H02-0433-23 - Condition Compliance. Details of external materials (Condition 2 of H02-1090-19). Ongoing.

Consultation Responses

Crowland Parish Council

No objection

Planning Considerations

Condition 11

Condition 11 stipulated that a management plan for the all the areas of publicly accessible open space, including management responsibilities and maintenance schedules, be submitted to the Planning Authority.

The submitted report details that the site will be managed by a management company, appointed by the Housing Association. The work of the management company will be inspected regularly by the development company regularly. This arrangement is considered acceptable.

Details of the maintenance schedule have also been submitted. An annual schedule has been submitted for the first four years, with a general scheme also submitted for the period after five years. The submission thoroughly runs through the schedule, broken down by responsibility. The submitted details are acceptable and would ensure the good maintenance of the site for the foreseeable future.

Crowland Parish Council have raised no objections to the submission.

The submitted details are sufficient to discharge Condition 11 of H02-0054-18.

Conclusion

The recommendation is that Condition 11 of H02-0054-18 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.