DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H02-0949-21** | **Applicant:** | **Wheatley Group Developments** |
| **Proposal:** | Details of external materials (Condition 5 of H02-0062-19) | | |
| **Location:** | Land At Harvester Way Crowland Peterborough | | |
| **Terminal Date:** | 4th November 2021 | | |

**Planning Policies**

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

02 Development Management

**National Guidance**

**National Planning Policy Framework 2021**

NPPF 2021.

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 1 | 0 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

Details of external materials (Condition 5 of H02-0062-19).

The Materials Layout Plan (drawing number 17239/1014B) has been revised to show the rear garden screen walls at plots 5, 19, 23, 33 and 99 to be constructed as close boarded fencing, rather than constructed in brick.

Site investigation evidence has been submitted to support the application proposal.

**Site Description**

As host consent.

## History

H02-0062-19. SEC 73 MODIFICATION. Residential Development - outline application for the erection of up to 100 dwellings with associated landscaping and ancillary works (all matters reserved) - approved under appeal decision H02-1087-14. Modification of Condition 5 relating to affordable housing. Approved 23-04-19.

H02-1087-14 Residential development - Outline application for the erection of up to 100 dwellings with associated landscaping and ancillary works. Allowed on appeal.

H02-0578-19. Details of boundary treatment, external materials, surface water drainage, construction management and wheel washing facilities (Conditions 4, 5, 7, 8 and 9 of H02-0062-19). Approved 22-01-20.

H02-0038-20 . Details of Affordable Housing (Condition 3 of H02-0062-19). Approved 05-03-20.

H02-0519-21. Details of External Materials (Changes to roof tiles) (Condition 5 of H02-0062-19). Approved 02-06-21.

## Consultation Responses

Crowland Parish Council

No Observations.

SHDC Building Control

Can confirm that ground conditions aren't great there and the foundations are piled with a ring beam for the houses and garages . Strip footings were not recommended.

## Planning Considerations

Condition 5

*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.*

The applicant has set out that the changes to the boundary treatments, are necessary as a result poor ground conditions (fine and silty soils) coupled with a high water table (given the unseasonably high rainfall over the past few months). Consequently, Wheatley Homes have concerns over safety on site and the welfare of their operatives; should foundations at depth (required for the brick screen walling) be excavated, there would be risk of trenches collapsing during construction. On the grounds of safety during construction, Wheatley Homes therefore wish to construct the rear garden screen walls at the plots listed above as close boarded fencing, to eliminate the need for deep foundations.

It is regrettable from a design perspective that this change has been submitted, as the visual impact of the fencing would indicate a less robust and quality development at this part of the site. However the evidence submitted following inspection of the site supports the applicant's assertions.

## Conclusion

Approve.

## 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.