

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0077-22 **Applicant:** Jelson Ltd.

Proposal: Residential Development - details of landscaping - approved under H03-0744-19. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Caultons Field West Of Littleworth Drove Deeping St Nicholas

Terminal Date: 29th April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Residential Development - details of landscaping - approved under H03-0744-19. Modification of Condition 1 to allow amendments to previously approved plans.

The latest landscaping proposals have been updated to reflect the latest approved replan layout. This specifically affects plots 49-56 & 61-62 and the proposed pond area. The only other changes are the notes to show the proposed replanting near the site entrance (next to Plot 1) and temporary access at the turning head near to Plot 53.

For clarity, the documents submitted to support this application are:

Application Form,
SPECIFICATION for SOFT LANDSCAPE PROPOSALS TNA / 478rev C Jan 2022,
Drawing referenced TNA_478_01rev.C and
Explanation of changes. Jelson email of 04 February 2022 16:20.

Site Description

As host consent, although the development is well advanced.

History

H03-0096-21 SEC 73 MODIFICATION. Erection of 66 dwellings and associated works - approved under H03-0599-20. Modification of Condition 1 to allow amendments to previously approved plans (substitute of house type on plots 49-56 & 61-62) and alterations to the Drainage Detail Plan. APPROVED 08-07-21

H03-0130-21. CONDITION COMPLIANCE. Details of remediation & validation report relating to contamination (Condition 11 parts iii & iv of H03-0331-16). APPROVED 02-09-21

H03-0599-20. SEC 73 MODIFICATION. Erection of 66 dwellings and associated works - approved under H03-1151-18. Modification of Condition 1 to allow amendments to previously approved plans, to allow for substitute of house type on plots 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 35, 37, 39, 40, 42, 44, 45, 46, 57, 58, 59, 60, 63, 64, 65 & 66. APPROVED 21-10-20

H03-0761-19. CONDITION COMPLIANCE. Details of landscaping, open space and management plan for open space and outdoor play area including maintenance schedules (Conditions 20, 22 and 23 of H03-0331-16) - Outline planning application for the erection of up to 66 dwellings. APPROVED 19-09-19

H03-0744-19. RESERVED MATTERS. Residential development - details of landscaping - outline approval H03-0331-16. APPROVED 09-10-19.

H03-0603-19. MODIFIED AGREEMENT. Modify affordable housing contribution from 33.3% to 25% to reflect amended Local Plan Policy (planning approval H03-1151-18). APPROVED 11-07-19

H03-1151-18. RESERVED MATTERS. Erection of 66 dwellings and associated works - outline approval H03-0331-16. APPROVED 30-05-19

H03-0331-16. Outline planning application for the erection of up to 66 dwellings (with means of access to be considered) APPROVED . 23-11-16.

Consultation Responses

Deeping St Nicholas Parish Council

Comments - Under section removing overhanging branches "to be removed annually " should this not be pruned and removed when required, or at least inspected and removed quarterly as a minimum?

Third Parties

None received.

Planning Considerations

Implications and consideration of the proposed changes

It is considered that the proposed changes are acceptable in the context of the development.

It is unfortunate that existing landscaping adjacent to Plot 1 at the entrance of the development needed to be removed to facilitate the vision splay to the site, however the replacement planting is considered to be an acceptable compromise.

The comments of the Parish Council relate to management matters and there is no evidence to suggest that a more frequent regime is necessary for this site.

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.