

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0291-25 **Applicant:** Seagate Homes

Proposal: Details of proposed boundary treatments, landscape management and maintenance plan (Conditions 3 and 7 of H04-1029-20)

Location: Land Off Malting Lane (Phase 2) Donington Spalding

Terminal Date: 16th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework December 2024

Section 12: Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 3 and 7 of planning approval H04-1029-20, relating to details of proposed boundary treatments and landscape management and maintenance plan. Planning approval H04-1029-20 was a Reserved Matters for 32 dwellings.

Site Description

The site is located at the southern side of Donington and is part of a wider area of agricultural land sited between a commercial site and residential properties, including a recently constructed affordable housing development to the south. The site's topography is flat and the site lies on a lower level than the majority of neighbouring development. Existing dwellings on Malting Lane and William Close (to the north east corner of the site) are built on approximately the same level as the site.

History

H04-0295-25 - Details of proposed boundary treatments and noise & vibration report (Conditions 14 and 19 of H04-0244-16) - To be determined

H04-0555-24 - Details of full closure report (Condition 8(ii) of H04-0244-16). Refused 14.08.24.

H04-0517-24 - Land off Malting Lane - details of water supplies to the Fire Service (Condition 17 of H04-0244-16). Approved 1.8.24.

H04-0549-24 - Details of schedule of external materials, kerbs and surfacing of roads and design & location of secure cycle storage (Conditions 4, 5 & 13 of H04-0244-16). Approved 30.07.24.

H04-0575-24 - Details of design & position of all external boxes for gas & electricity supplies and of any gas flues & soil vent pipes - Condition 11 (phase 2 only) of H04-0244-16. Approved 02.08.24.

H04-0582-24 - Details of design & positions of all external boxes for gas & electricity supplies & any gas flues & soil vent pipes (Condition 4 of H04-1029-20). Approved 30.08.2024

H04-0548-24 - Details of scheme for the provision of swift nest bricks (Condition 8 of H04-1029-20)- Approved 30.07.2024

H04-0488-24 - Details of construction and traffic management scheme & precautions to prevent the deposit of mud on public highways (Conditions 12 & 15 of H04-0244-16). Approved 22 July 2024.

H04-0359-24 - Details of surface water drainage scheme, existing & proposed site levels & proposed floor levels and means of foul water disposal (Conditions 9, 16 & 18 of H04-0244-16). Approved 28 May 2024.

H04-0038-24 - Details of estate road & associated footways (Condition 7 of H04-0244-16). Approved 13 March 2024.

H04-0728-22 - Details of remediation method statement, surface water drainage scheme, construction and traffic management scheme, noise and vibration report, deposit of mud precautions, existing and proposed site levels/floor levels and foul water disposal (Conditions 8 (Part i), 9, 12, 14, 15, 16 and 18 of H04-0244-16). Approved 27 October 2023.

H04-1117-22 - Details of external materials, roads and/or footways, external gas and electricity boxes, cycle storage and proposed boundary treatment (Conditions 4, 5, 11, 13 and 19 of H04-

0244-16). Approved 27 October 2023.

H04-1139-22 - Details of boundary treatments, gas and electricity external boxes, landscape management and maintenance and swift nest bricks. (Conditions 2, 4, 7 and 8 of H04-0268-20). Approved 27 October 2023.

H04-1071-22 - Non material Amendment - Erection of 32 Dwellings - outline approval H04-0244-16 - approved under H04-1029-20. Amendments to house types A, B and E. - Approved 28.11.2022

H04-1029-20 - Reserved Matters - Erection of 32 Dwellings - outline approval H04-0244-16. Approved 2nd November 2021.

H04-0268-20. Reserved Matters. Erection of 40 Dwellings - outline approval H04-0244-16. Approved 2 November 2021.

H04-0244-16 - Outline planning application for a residential development of approximately 73 dwellings (Class C3), all matters are reserved, except for access. Approved 30th November 2017.

H04-0015-05 - Re-development of industrial Site for Residential. Refused 12 January 2005.

Consultation Responses

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no consultee responses have been received.

Planning Considerations

This proposal seeks to discharge Conditions 3 and 7 of planning approval H04-1029-20, relating to details of proposed boundary treatments and landscape management and maintenance plan.

Condition Details

The condition requires:

Condition 3 - Boundary Treatments

Notwithstanding the details submitted, prior to its installation, details of the proposed boundary treatments to the northern boundary to the site, 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.

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.

The fencing shall ensure that no overlooking is possible from the ground floor windows of any property hereby approved to the gardens and/or ground floor windows of the existing dwellings bordering the site within Cowley's Road.

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 and privacy of nearby occupiers.

The applicant has provided:

- Boundary and External Works Plan (x2)
- Planting Plan
- Proposed Section Levels

Drawing number 1 of 2 shows the northern side of the site (as well as the west), where all dwellings

are shown to be treated with a 1.8m solid timber fence, this is considered acceptable, given that the boundary treatments for the western boundary (which required acoustic mitigation) are now agreed.

Based upon the level of information provided this condition can be discharged.

Condition 7 - Landscape Management & Maintenance Plan

The condition requires:

Notwithstanding the plans and documents provided, prior to the commencement of the development hereby permitted beyond oversight, a detailed scheme for a landscape management and maintenance plan is produced for the development that integrates the surrounding wildlife habitats with those created on site shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented and retained in accordance with the details so approved.
Reason: In the interests of biodiversity.

The Applicant has provided:

- Maintenance and Responsibility Plan
- Planting Plan

The type of measures that are expected of the developers to adopt are outlined in the 'Homes for People and Wildlife - How to build housing in a nature-friendly way' by The Wildlife Trust.
https://www.wildlifetrusts.org/sites/default/files/2018-05/homes_for_people_and_wildlife_lr_-_spreads.pdf

The landscaping and management plan outline management responsibilities, maintenance, and the management thereafter. The scheme of landscaping shows that through the planting of trees, shrubs and grass land that there is an integration between dwellings and the encouragement of wildlife habitat networks. Subject to the scheme being carried out in accordance with the document condition 7 is considered acceptable.

Conclusion

Conditions 3 and 7 of planning approval H04-1029-20 are hereby 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.