

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0549-24 **Applicant:** Seagate Homes (UK) Ltd.

Proposal: 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)

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

Terminal Date: 16th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving Well Designed and Beautiful Places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

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).

Site Description.

As per host consent.

History

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

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

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

H04-0556-24 - Details of noise & vibration report & boundary treatment (Conditions 14 & 19 of H04-0244-16). Undetermined.

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. Undetermined.

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). Undetermined.

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.

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

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.

Consultation Responses

Lead Local Flood and Highway Authority

Response dated 16 July 2024:

Additional Information Required:

Condition 4 - not LCC requested condition.

Condition 5 - The site has technical approval so happy to partially discharge the condition. However, part of the condition relates to 3 months after the penultimate dwelling is erected to the carriageway and footway surface course are to be completed.

Response dated 25 July 2024:

The details submitted to discharge conditions 5 & 13 attached to H04-0244-16 are acceptable in accordance with approved details submitted to South Holland Planning Authority. The site has technical approval for the Section 38 Agreement.

Planning Considerations

Condition 4 Wording

"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."

Condition 4 Detail

An external materials schedule has been submitted. The external materials schedule comprises a modern mix of materials including Forterra Cheshire Red Multi, and Forterra Burwell Buff brickwork, Calderdale Edge Slate and Terracotta Roof tiles.

Gas and electricity boxes are in white, universal gas metre boxes are in a light brown/mustard colour. Rainwater goods are to be half round PVCu gutters and black external flues. External vents will match facing brickwork.

The submitted details are considered satisfactory and it is considered that this condition can be discharged.

Condition 5 Wording

"Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling."

Condition 5 Detail

The section 38 agreement showing highway details has been submitted together with boundary and external works plans.

These collectively show highways details which are to the satisfaction of the Local Highway Authority.

The Local Highway Authority queried if a partial discharge was possible due to the interpretation of condition 5. This was clarified that the 3 months time period is included as standard for potential enforcement purposes should the highway details not be completed - and is only used in situations where significant periods of time have elapsed with unfinished highways.

The subsequent highway response reported no objections.

It is considered that the details conform with highway specifications. It is therefore considered that this aspect can be discharged.

Condition 13 Wording

"Before the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of the design and location of secure cycle storage for each dwelling on the site. No dwelling shall be occupied until the approved secure cycle storage has been provided and shall thereafter be retained."

Condition 13 Detail

The proposed cycle stores are 6 foot by 4 foot windowless Apex Wooden sheds which are 1.858m x 1.212 metres and 1.954m high. These are situated in rear gardens and are shown on the boundary and external works plan drawings. Each plot has one. The details are considered satisfactory.

The Local Highway Authority raise no issues with this condition and as stated, technical approval has been achieved in line with the approved details. It is considered that the cycle parking details can be discharged.

Conclusion

The submitted details are considered satisfactory and as such it is considered that they 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.