

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H04-1117-22      **Applicant:** Seagate Homes (UK) Ltd

**Proposal:** 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)

**Location:** Land Off Malting Lane Donington Spalding

**Terminal Date:** 18th August 2023

### Planning Policies

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

|    |                            |
|----|----------------------------|
| 02 | Development Management     |
| 03 | Design of New Development  |
| 17 | Providing a Mix of Housing |
| 36 | Vehicle and Cycle Parking  |

#### National Guidance

#### National Planning Policy Framework 2023

NPPF 2021

#### Sections -

2 Achieving sustainable development  
4 Decision-making  
5 Delivering a sufficient supply of homes  
8 Promoting healthy and safe communities  
9 Promoting sustainable transport  
11 Making effective use of land  
12 Achieving well-designed places  
14 Meeting the challenge of climate change, flooding and coastal change  
15 Conserving and enhancing the natural environment  
16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

### Representations:

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

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is an application for the discharge of planning conditions relating to outline planning application H04-0244-16.

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)

### **Site Description**

The application site is located at the southern side of Donington and is at present open scrub land. The site is accessed from Malting Lane (set to the west) and located south of William Close which is a private road and north of the estate fronting Arnhem Way, to the front of Malting lane are a row of bungalows that site north of the access.

Outline Planning permission was achieved for a development of 'approximately' 72 dwellings under H04-244-16 and reserved matters for 40 dwellings were approved under phase 1 which these conditions relate to. A permission for phase 2 has also been approved at reserved matters, however the applicant is not seeking to discharge the conditions in relation to that phase. A phasing plan has been provided which identifies which site this condition discharge application relates to.

### **History**

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

H04-0268-20 -Reserved Matters - Residential Development of 40 dwellings - outline approval H04-0244-16

### **Consultation Responses**

#### **LCC Highways & SUDS Support**

Only Condition 5 of the above numbered Conditions relates to highway matters. The purpose of Condition 5 is to ensure that prior to the occupation of each dwelling, the footway between that dwelling and the existing public highway is completed to its Binder Course level (the level immediately below the finished Surface Course). This is so that those living in the completed dwelling can access their home without having to walk along the carriageway or across an un-surfaced footway. Compliance with this Condition will therefore be on-going throughout the build and by definition, there will not be full compliance until all the footways are completed. Provided that on-going compliance is ensured, the highway authority has no objection to the grant of Consent for this Application.

#### **Third Parties**

An objection has been received against H04-1117-22 on the following grounds:

- Drawing MLD-SH-PSL-AR-1004-A \* Section I Shows a lowering of existing ground level against our conifers of 0.639 meters to which we OBJECT as this will invariably expose/damage the roots. We consider the proposed levels may create ponding and future flooding in extreme cases and need further consideration
- Drawing mentions a Private filter drain. Noted all proposed levels have been raised higher than original plans. This we Object to due to increased risk of flooding. Noted plots 30 - 33 FFL shown at 3.450 with gardens falling away from Plot 33 to level of 3.250 - some 413mm above our North East corner

## Planning Considerations

The application seeks to discharge the following condition associated with H04-0244-16:

### Condition 4 - External Materials

Condition 4 requires that before the commencement of the development 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 provided drawing numbers

- 'External Materials Schedule 20008 - 40Nf Dwellings, Malting Lane Donnington' Revision B, dated 17.11.2022 (revised on 22/09/23)
- MLD-SH-SBL-AR-1005-E - Site Boundary and Landscaping 1 of 2
- MLD-SH-SBL-AR-1006-D- Site Boundary and Landscaping 2 of 2

The above information is considered acceptable in terms of impacts upon the character of the area. Condition 4 is therefore discharged in respect of phase 1, shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010 . The condition remains extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA.

### Condition 5 - Roads and/or footways

Condition 5 requires that before each dwelling is occupied information relating to the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway is submitted to and agreed in writing with the local planning authority.

The applicant has submitted the following plans in relation to the discharge request:

- MLD-SH-SBL-AR-1005-E - Site Boundary and Landscaping 1 of 2
- MLD-SH-SBL-AR-1006-D- Site Boundary and Landscaping 2 of 2

The Highway Authority have been consulted and have no objections to the proposal. Condition 5 therefore is discharged (subject to compliance) in respect of phase 1, shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010. The condition remains extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA.

### Condition 11 - Gas & electricity boxes, flues and vent pipes

Condition 11 requires that before development commences details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are submitted to and approved in writing by the Local Planning Authority.

The applicant has submitted the following plans in relation to the discharge request

- MLD-SH-WD-ELEV-AR-2019 - Proposed Elevations (1of2)
- MLD-SH-WD-ELEV-AR-2020 - Proposed Elevations (2of2)

The above plans showing the position of electric and gas boxes as well flue and vent pipes are considered acceptable. Condition 11 therefore is discharged (subject to compliance) in respect of phase 1, shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010. The condition remains extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA

### Condition 13 - Cycle Storage

Condition 13 requires that 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.

The applicant has submitted the following plans in relation to the discharge request

- MLD-SH-SBL-AR-1005-E - Site Boundary and Landscaping 1 of 2
- MLD-SH-SBL-AR-1006-D- Site Boundary and Landscaping 2 of 2
- MLD-SH-PCS-AR-1008 Details of Proposed Sheds/Cycle Storage

The plans show the location of storage and elevations of sheds/storage and this is considered acceptable and an appropriate solution for the storage of bicycles, Condition 13 therefore is discharged (subject to compliance) in respect of phase 1, shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010. The condition remains extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA

#### Condition 19 - Boundary Treatments

Condition 19 requires that prior to any development commencing on site, details of the proposed boundary treatment, including a schedule of 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.

The applicant has submitted the following plans in relation to the discharge request

- MLD-SH-SBL-AR-1005-E - Site Boundary and Landscaping 1 of 2
- MLD-SH-SBL-AR-1006-D- Site Boundary and Landscaping 2 of 2

The plans show the location of storage and elevations of boundary treatments and this is considered acceptable and an appropriate in both character and amenity terms, furthermore Environmental Protection have no objections in respect of the acoustic fence. Condition 19 therefore is discharged (subject to compliance) in respect of phase 1, shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010. The condition remains extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA

#### **Conclusion**

The above conditions are discharged in relation to phase 1 of the development shown on drawing 'Land Permission Areas' number MLD-SH-SP-LPA-1010. The conditions remain extant outside of this phase and details will need to be submitted to and agreed in writing with the LPA

#### **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.