

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-1139-22 **Applicant:** Seagate Homes (UK) Ltd

Proposal: 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)

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
28 The Natural Environment

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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The applicant seeks to discharge Conditions 2 boundary Treatments, 4 (external boxes for gas and electricity supplies), 7 (landscape management and maintenance & 8 (Swift nest bricks) applied to planning application H04-0268-20.

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 Land (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 of the site.

History

H04-0268-20 - Reserved Matters - Residential Development of 40 dwellings - outline approval H04-0244-16. Approved 02-11-21

Consultation Responses

None requested

Third Parties

An objection has been received as well as a representation. The representation states that:

"...Where the primary site access is, to the left (when facing) there is currently a hedge/bush that has a population of birds that live in it all year round. I cannot see this on the plans, will this be removed? If so, will there be a replacement type hedge/bush installed to offset the loss of important habitat for these birds?"

Response - The removal of hedge does not require planning permission and so is outside of the remit of this assessment. However legislative mitigation exists for such wildlife. All wild birds are protected. This includes their nests (whilst in use or being built) as well as any eggs the nest may contain. Under the Wildlife & Countryside Act 1981. Therefore if there is a breach of such legislation the commentator should address with the relevant authorities.

Planning Considerations

Condition 2 - Boundary Treatments

The applicant has provided the following information in respect of boundary treatments, controlled by condition 2 of planning application H04-0268-20

- MLD-SH-PSL-AR-1004 - B - Proposed Section Levels
- MMLD-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

Drawing number 1 of 2 shows the eastern side of the site, where all dwellings are shown to be treated with a 1.8m solid timber fence. Drawing number 2 of 2 also shows that many dwellings are treated with the same height and style of fence. However, a 2.1m acoustic fence is shown on plots 18 - 24, along the rear and side of plot 18. The acoustic fence also treats the western and southern boundaries of plots 12-17.

In terms of the acoustic qualities of the fence, this has been assessed by Environmental Protection under H04-0728-22 and considered acceptable. In terms of amenity and character impact the proposed scheme of boundary treatments is considered acceptable. Low planted boundaries are

proposed to the front of the dwellings which results in a soften open frontage.

Condition 4 - External Boxes for gas and electricity supplies

The applicant has provided the following information in respect of External Boxes for gas and electricity supplies, controlled by condition 4 of planning application H04-0268-20:

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

The above plans show the location of all external boxes for gas and electricity supplies. Elevations are provided of the different approved house types. It is considered that the scheme for these boxes/external adornment is considered acceptable and limited harm would follow in respect of character impacts.

Condition 7 - Landscaping Management & Maintenance

The applicant has submitted the following document in respect of the landscaping and management plan controlled by condition 7 of H04-0268-20:

- Donington - Landscaping and Management Plan November 2021 Rev B -22.11.2022
- Maintenance Responsibilities Plan MLD-SH-MRP-AR-1007 Rev A

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 discharged.

Condition 8 - Swift nest bricks

The applicant has submitted the following document in respect of the 'Swift nest bricks' plan controlled by condition 8 of H04-0268-20:

- MMLD-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 plans show that swift nest boxes will be located on some of the dwellings within the scheme. This is considered to be sufficient.

Conclusion

It is therefore considered then that Conditions 2 (boundary Treatments), 4 (external boxes for gas and electricity supplies), 7 (landscape management and maintenance & 8 (Swift nest bricks) applied to planning application H04-0268-20 are discharged.

Additional Considerations

None

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.