DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H05-1209-21	**Applicant:**	GEDA Construction
Proposal:	Details relating to estate road & associated footways & finished surface levels, management plan for open spaces & outdoor play areas and protected species survey (Conditions 8, 14 & 19 of H05-1183-16)		
Location:	50 Fleet Road Holbeach Spalding		
Terminal Date:	5th March 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 8, 14 & 19 of H05-1183-16 (details relating to estate road & associated footways & finished surface levels, management plan for open spaces & outdoor play areas and protected species survey).

Site Description

The application site (approximately 3.6ha) is currently grassland located to the rear of residential properties on the southern side of Fleet Road. Dwellings are situated to the north fronting Fleet Road, including semi-detached houses off Chapman Mews. Land to the east is the subject of outline planning permission ref. H05-0468-18. Residential properties are located to the west off Branches Lane.

History

H05-1183-16 - Outline - Residential development - 55 dwellings including demolition of existing house - Granted 25 January 2018.

H05-0468-18 - Outline - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Granted 1 April 2019.

H05-0670-20 - RM - Residential Development - 55 dwellings including demolition of existing house - outline approval H05-1183-16 - Approved 11 October 2021.

H05-1168-21 - Cond Comp - Details of boundary screening, roads & footways, surface water drainage, foul water disposal, construction management plan, plan illustrating areas of publicly accessible open space, landscape management & maintenance schedule, means & storage of refuse & recycling and scheme to deal with contamination & pollution (Conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of H05-1183-16) - Under consideration.

H05-0066-22 - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring in to line with current policy) - relating to planning approval H05-1183-16 - Under consideration.

Consultation Responses

LCC Highways/Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Condition 8 (Details of estate road and associated footways that forms the junction with the main road).

The application is accompanied by drawings relating to engineering layout. The applicant will need to enter into a S38 agreement with LCC Highways concerning this matter. The latter have been consulted and have concluded that the submitted details, in so far as they relate to highways and surface water drainage, are satisfactory and therefore does not wish to object to this application.

Condition 14 - Management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules.

The application is accompanied by a Landscape Maintenance Specification which outlines a comprehensive maintenance regime for the public open spaces. The areas would be maintained by a private maintenance company upon completion of the development.

Condition 19 (Ecological survey to determine the presence, or otherwise, of protected species on site).

The application is accompanied by a protected species report which makes no reference to protected species on site. Nevertheless, it recommends the following:

Breeding birds - to avoid conflict with potential ground nesting birds it is recommended that the hay meadow field is managed throughout the winter period to reduce and cut the tall grassland prior to the commencement of the development in March to maintain a short sward. If this cannot be undertaken then a survey for the presence of breeding birds should be undertaken prior to the commencement of works in March.

Bats - The features found within the roof covering of the existing dwelling are located along the southern elevation. This is the most ideal orientation for bats during the activity season as it attracts

warm sunlight during the daytime hours. These features are considered to be of low potential for bats and therefore a single emergence and activity survey should be undertaken during the activity season of May to September 2022. The building is to be used as temporary site accommodation during the construction phase of the development and therefore the emergence and activity survey can be undertaken in May/June 2022 prior to its demolition. This work will not confine or constrain the main site development works or prevent site works commencing in March 2022.

The previously approved landscaping scheme includes bio-diversity measures such as wild flower meadows/nature conservation areas.

Conclusion

That conditions 8, 14 & 19 of H05-1183-16 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.