DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0200-22**	**Applicant:**	**Loosegate Developments Ltd.**
Proposal:	Erection of 77 dwellings & associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70.		
Location:	Land Off Wignals Gate Holbeach Spalding		
Terminal Date:	30th May 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural 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

National Guidance

National Planning Policy Framework 2021

National Planning Practice Framework 2021

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Section 73 Modification - Erection of 77 dwellings and associated works at Wignals Gate, Holbeach - approved under H09-0872-18. Modification of condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70.

The proposal includes an alteration to the non-adopted roadway in front of plots 68-70 to include a footpath on the south-side and is to the dimensions of an adoptable highway but will remain unadopted. The proposal also includes minor amendments to the front garden/drive of Plot 70.

Site Description

The site is located outside the settlement limits of Holbeach to the south of Wignals Gate, however, benefits from permission for the erection 77 dwellings. Construction is currently underway with a large number of the dwellings erected.

History

H09-0365-22 - Erection of two dwellings (Plots 78 & 79) reconfiguration - Pending consideration.
H09-0180-22 - Modification of 106 Agreement to omit 8 two bed dwellings - relating to H09-0326-17 and H09-1178-19 - Pending consideration.
H09-0819-21 - Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. (Change plot 50, extending the rear gardens of plots 51 & 52 and extending a portion of highway). Approved.
H09-0188-21 - Residential Development comprising 34 dwellings and associated works. Application withdrawn.
H09-1178-19 - Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC. Approved.
H09-0492-19 - Erection of 2 dwellings - Amendments to Plots 1 & 2 - Outline approval H09-0326-17. Approved.
H09-0436-19 - Residential development - approved under outline H09-0326-17 - Modification of Condition 13 to allow landscaping completion time frame to relate to each phase - Approved.
H09-0270-19 - Erection of 12 dwellings (Plots 13,14,15, 20, 21, 26, 27, 67, 68, 69, 76, 77) - outline approval H09-0326-17. Approved.
H09-0872-18 - Erection of 77 dwellings and associated works - outline approval H09-0326-17. Approved
H09-0326-17 - Residential development. Approved.

Consultation Responses

Holbeach Parish Council
Have no objections

LCC Highways and SUDS Support
Do not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and

Lead Local Flood Authority) has concluded that the proposed modifications to the layout drawing would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Public

One comment has been submitted by a member of the public raising concerns with the level of information submitted.

Officer Note - This comment was submitted prior to all documentation being uploaded to the website.

Planning Considerations

The main issues in this case are:
Principle of development
Layout and Design
Highway Safety and Parking
Impact of Neighbouring Residents/Land Users
Landscape Impact

Principle of Development
The principle of development has previously been considered acceptable under applications H09-0872-18 and H09-0326-17. The only matter for consideration is whether the proposed alterations would be acceptable in respect of all other planning matters.

Layout and Design
The proposal includes the continuation of the footpath along the unadopted road at the south end of the site, provision of turning facilities into a small area of the previously approved public open space and altering the front garden/access arrangement at Plot 70.

The proposed extension to the footpath and provision of turning facilities would result in a minor reduction to the public open space at the south end of the site. Given the small scale nature of the proposal and the remaining public open space being policy compliant, it is considered to be acceptable and would not result in any detrimental impacts to the character and appearance of the wider site. Furthermore, the proposed alteration to the front of Plot 70 is considered to be minor and would reflect the style of neighbouring plots.

It is also worth noting that no other alterations are proposed.

Highway Safety and Parking

The proposal would not result in any impacts on existing off-street car parking provision for the approved dwellings and whilst alterations are proposed to the access arrangements to Plot 70, these replicate the access arrangements of adjacent properties and are therefore considered to be acceptable. It is also worth noting that whilst alterations have been made to the unadopted road at the south end of the site to providing a turning area and ensure the road meets the dimensions for adoptable highway, it is proposed to remain unadopted.

The Highway & SUDS Support Team were consulted and raised no objection.

Impact on Neighbouring Residents/Land Users

Given the proposal results in alterations to the unadopted highway and surfacing to the front of Plot 70, the proposal is not considered to result in any detrimental impacts on any residential property within the development or adjacent to the wider site.

Landscape Impact

As a result of the proposed changes, the proposed unadopted road to the south of the site would slightly enter the public open space to allow turning facilities. Given the small scale and no loss to trees, it is considered to be acceptable.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would not materially harm the character or appearance of the locality or amenity of nearby residents and would not result in detrimental impacts on highway safety. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 5, 28, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF).

Taking the above into account, there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, subject to conditions.

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.