

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0248-20 **Applicant:** Ashley King Developments Ltd.

Proposal: Temporary access to sales area off Hall Gate (retrospective)

Location: Land Off Hall Gate/Fen Road Holbeach Spalding

Terminal Date: 8th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Paragraph 11 - The presumption in favour of sustainable development
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

Temporary access to sales area off Hall Gate. The access has been installed. The show home is to serve the development phases of 330 dwellings.

It is proposed that the access is in place for 10 years and then removed.

SITE DESCRIPTION

Area of highway from Hall Gate.

RELEVANT PLANNING HISTORY

H09-1237-18. Plots 72, 73 and 73A. Erection of 3 dwellings with associated garaging. Approved. 29-01-19.

H09-0331-17. Manor Farm. RESERVED MATTERS. Access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A)), and two phases of residential development totalling 330 dwellings (Phases 1B & 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14). Approved 09-11-17.

H09-0521-14. Manor Farm. OUTLINE. Residential development of up to 900 dwellings, with access off Hall Gate and Fen Road, including public open space, drainage infrastructure, landscaping, including demolition of two dwellings and agricultural buildings (but not listed Manor Farm and adjacent outbuildings). Approved 07-12-16

REPRESENTATIONS

Holbeach Parish Council

No objection.

Cllr F Biggadike

Considers this to be a retrospective application. Acknowledges the need in relation to the site of the show house and in his opinion is congruous with what will be the street scene in the future. The Highways comments will determine the long term future of this application and so awaits them.

LCC SUDS

NO OBS - 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 development is acceptable and accordingly, does not wish to object to this planning application.

Public

One comment received - The work is retrospective.

One objection has been received setting out the following matters:

- should be refused as an unnecessary access has been created.
- surprised that they are not using houses they have planning for, but this would entail actually finishing the roundabout.
- initially the top half of this building had a neon light that was on all night and it is still illuminated overnight downstairs
- if this is approved at the very minimum there should be a time scale on what temporary means and a ban on night time illumination of any sort.

CONSIDERATIONS

Planning Considerations

Principle of use

The purpose of this access is to serve the sales area for the residential development of this area, which has been approved and is under construction. Such temporary access roads are generally acceptable, provided the matters of detail set out below are acceptable.

Despite being for a temporary period, the development is to be considered in the light of the policies

set out above and the NPPF. Particular attention is to be paid to Policies 2 and 3 of the SELLP.

Policy 2: Development Management, sets out inter alia, that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation levels and impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

It is not considered that the retention of this access for 10 years would impact negatively on adjoining residents or the highway system, and thus would be in accordance with Policy 2.

Policy 3: Design of New Development, gives guidance regarding high quality and inclusive design, including lighting. It is considered that with conditional control of lighting this development can be considered acceptable.

Highway safety

It is considered that the siting of the access does not present any issues of vehicular or pedestrian danger, and as such is acceptable. The LCC Highway Service has raised no objection.

Visual impact

This access is proposed as a temporary access, and has been constructed to an acceptable standard. There is no reason to illuminate this access 24 hours a day, and this can be conditioned to preclude such.

Longer term use

The access is proposed to be used for the 10 year build out period for the 330 phased dwellings, and this can be controlled by condition. After that point the access is to be removed and the landscaping installed, unless a further planning application is forthcoming to increase the length of time or to retain the access permanently.

Conclusion

It is considered for the reason above that the retention of this temporary access for a period of 10 years is acceptable, and would be in accordance with Policies 2 and 3 of the SELLP, and the guidance of the NPPF 2019.

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.

RECOMMENDATION

Recommendation is for delegated approval.