

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0287-24 **Applicant:** Seagate Homes

Proposal: Residential Development - Erection of 188 Dwellings - approved under H09-0332-16. Modification of Condition 2 to allow amendments to previously approved plans

Location: Land Off Damgate Holbeach Spalding

Terminal Date: 9th August 2024

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving Sustainable Development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the substitution of house types, changes to the position of some garages of selected plots, and changes to the design of plots to the entrance to the development.

Garages - half hip for Plot 188 only. Garage for Plot 188 is 5.01m high, 6m wide and 5.51m wide. Double garages are 4.58m high. Single garages are 3.150 x 5.525m. Double and twin garages are 6.080m x 5.525m.

Amended plans depict addition of a house type, and changes to the legend adding detail to the materials.

Site Description

The site was, at the time of the original approval, greenfield in nature and 8.41 hectare in size. The south and east at the site boundary was a watercourse and open fields beyond. To the north, the site abutted the rear gardens of development along Fleet Road, Damgate and Greenfields. To the west, the site fronted onto open playing fields. There are a number of protected trees within the site (Fleet and Holbeach Tree Preservation Order No. 1 1987) and large, mature trees to the south, east and west boundaries. There is a significant pond within the site. The trees are still present on site.

History

H09-0332-16 - Full application - Residential development - erection of 188 dwellings. Approved 3rd May 2018. Subject to a S106 agreement dated 2 May 2018.

H09-0523-20 - Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 H09-0332-16. Approved 3rd September 2020.

H09-0277-20 - TPO Tree Works - Works to Fleet and Holbeach Tree Preservation Order No. 1 198.

H09-0230-21 - S.191 Certificate of Lawful Use - The implementation of planning permission H09-0332-16 for residential development on land adjacent to Dam Gate, Holbeach, by works to lay out an access road and foundations for a garage. Approved 23 March 2021.

H09-1081-19 - Modification of 106 Agreement to reduce amount of affordable housing from 33.3% to 25% (Planning Approval H09-0332-16). Notice of Non Determination - 20th January 2023.

H09-0372-23 - Modification of S106 Agreement relating to the reduction of affordable housing.

Approved 15.1.2024.

Consultation Responses

Highway and Lead Local Flood Authority

No objections.

The proposal is for minor amendments to Condition 2 that already has approval under H09-0332-16. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The minor amendments will not have an adverse impact upon the public highway or surface water flood risk.

This section commented on application H09-0332-16 and recommended the provision of a heritage Statement due to the insufficient information provided by the applicant. Subsequently, this section reviewed the information provided within the desk-based assessment technical report and other sources. It was established that there was no direct evidence for archaeology on this site, and the near iron-age, roman and medieval activity was further away. Consequently, it was recommended no further archaeological works. Having reviewed the application documents and the available updated Historic Environment information for this application, the proposal is still unlikely to have an impact on significant archaeological remains. As a result, I reiterate the previous recommendation: no archaeological input is necessary for this application. No objection to Condition 2.

LCC Education

No comments as all education mitigation has been resolved at the outline stage and S106 agreement.

Environment Agency

We have reviewed the submitted documents and have no objections to the variation of Condition 2 (approved plans); however, as Condition 22 is still relevant, we would like it carried through to any new permission granted.

Some of the original reports and details will remain as previously submitted and approved under H09-0523-20 and H09-0230-21 (for conditions 1, 3, 8, 11, 12, 14, 16, 17, 20, 21 & 22).

SHDC Environmental Protection

Requests a standard land contamination condition be applied at this location. No comments on amendments.

Holbeach Parish Council

No objection.

Councillor P S Barnes

I note in the original application submitted some 6 years ago that all S106 monies were allocated to the benefit of Holbeach (new school and extension to Dr's surgery. However, at least 2 thirds of this land lies in Fleet Parish and therefore Fleet should be receiving support for its own lower school - as there will be an increase in the catchment area and also requires support to further develop its existing open spaces to accommodate a greater population. Further, I note that there is an open space area, with play equipment, included in the development and would like to know who will be

responsible for up-keep in the future. Without support for Fleet Parish from the developer then I feel the Parish is being placed in an unfair position.

SHDC Tree Officer

There are sixteen proposed fewer trees than shown on plans in 2016. Possibly better spaced now. Why is there no screen of trees on southern edge of foul drainage pumping station?

Are existing trees to be retained? Some are subject to Tree Preservation Orders. Root protection areas need plotting as well as canopies.

Conditions from H08-0332-16 need retaining and updating, particularly 11 and 12 are essential.

Need long term management plan for newly planted trees, particularly in dry periods for at least the first 2 years so that they can take advantage of the long daylight hours of spring and summer to establish root systems.

Area around pond and easement to IDB has great potential to be managed for biodiversity.

Management plan for areas to sustain and enhance wildlife, cutting regimes to retain longer grass areas, and not just cut it as amenity grassland - shorter grass near paths to reduce potential fire hazard, otherwise manage for wildlife.

Grass areas need fencing before complete clearance and development takes places, biodiversity islands similar to root protection areas. Existing wildlife particularly invertebrates can continue to live undisturbed in these area and provide a nucleus population to ensure continuation of the existing ecosystem.

Public

Responses to original application:

Three responses of objection have been received which raise some or all of the following points:

-7 animal fatalities in 6 months. People drive abnormally fast until they get to Fleet Road. Only one entrance and that is on Damgate. Most families have 2 cars, that's 376 more cars speeding down the road. How long before a child is killed?

-Plot 77 and the foul water pumping station close proximity. Concerns about Plot 77. Overlooking bedroom, office and kitchen. Belton house type flipped, side elevation with only 2 bathrooms would overlook property, less obtrusive. Would also mean rear elevation of Plot 77 which has patio doors would be backing onto bigger proportion of plot's garden.

-What the foul water pumping station looks like, can't tell from plans. Is it sunk into the ground? Are there any visual impacts that they should be aware of? Not against it but need more information.

-Object to surface water drainage loss making flooding more likely.

-increase traffic flow along Damgate and surrounding housing estates, already densely populated.

-Increased need for GP, dentistry with no further provision

-Noise pollution

-loss of open space for wildlife, such as bats, rabbits, ducks and other bird life, loss of open space

-Site is densely packed, little quality of life, increased pollution, littering and noise.

Responses to amended plans:

Three responses have been received, two from the same household, which raise some or all of the following points:

-please could you consider switching the orientation of the Belton on plot 77 (so it is the same orientation as the belton that is on plot 49) so that it is only the upper floor bathroom windows that would be overlooking our garden (we are a bungalow with all our bedroom windows and home office in the back of our property). As it is orientated currently, the belton's bedroom windows are overlooking our garden, and thus our bedroom windows and workspace. We have young children who play outside and we are a bungalow making this very intrusive. Simply switching the orientation (which would barely alter the look of the house on the plot due to its footprint) would mean we only have the upstairs bathroom windows backing on to us which we would not object to.

-1. We already have a severe lack of medical and dental services in Holbeach which the the influx of new people will compound. 2. There will be a huge increase in traffic resulting in an increased risk of road traffic accidents and, a corresponding increase in air pollution, and noise pollution in and around Damgate Rd 3. Loss of open fields with natural soil drainage resulting in increased flood risk. 4. Loss of wildlife habitat due to concreting over fields creating an increase in mouse and rat infestations in existing properties as they seek new habitats. (Already increasing due to current building projects) 5. Further endangerment of protected species of bats in the area. 6. Increased light pollution at night. The infrastructure is simply not in place to support 188 new households, of three, or four people.

-At the back of Damgate Road there is a stand of trees which run the full length of Damgate. These trees provide a natural habitat for all species of birds and squirrels. I have even seen some BATS flying about If I am reading plans correctly these will be removed for houses, as these are proving us with Privacy and noise reduction I would like to object to these being built so close to houses on Damgate, at present we are enjoying peace and quite since we moved here and would not like to lose this tranquility as well as habitat for nature being demolished

Planning Considerations

Key Planning Considerations

- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

It is noted that some comments received about this application relate to the principle of development in terms of the impacts of resources. However, the principle of developing this site has been established with the earlier approvals. As such there is no objection in principle with the development. The proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The House types associated with this permission are proposed to be changed changed. This is a summary of the new house types:

The Buckingham - is a two storey gabled 5 bedroom property with central porch.

The Burley - two storey 4 bedroom gabled property with central porch.

The Chatsworth - two storey 3 bedroomed hipped. Amended to remove the blanked out first floor windows.

Hampton - 2 storey two bedroom semi detached with shared central porch

Somerset - 3 bedroom detached with central porch.

Sandringham - 3 bedroom semi detached, centralised porches

The Melton - 3 bedroom detached with mock Grecian porch and stone quoins.

Longleat - 3 bedroom detached with ground floor bay and hanging porch.

Kingston - 4 bedroom detached gabled property, central enclosed porch.

Holkham - 4 bedroom detached with en-suite central porch.
Hardwick 1 - 3 bed turn the corner type property. No flank windows.
Hardwick 2 - centralised weather boarded gable with adjoining houses turning the corner.
The Woburn - three bedroom 2 storey with central porch on side elevation, front gable design to front elevation with casement windows and angled lintels.
The Windsor- four bedroom 2 storey with front projecting gable and ground floor bay window and central porch.
The Belton - four bedroom 2 storey with projecting gable, and mock hip into roof. This design was amended to insert an additional window into the projecting gable.
The Hatfield comprises a two storey semi detached gabled property with 3 bedrooms.

The house types modernise the approved house types and produce an improved design in the street scene.

The proposals do not change the majority of the plots associated with the approved 188 dwellings, apart from the entrance to the site which are described as follows:

The position of the detached garages on Plot 1 have been set back slightly and the gardens of plots 1, 2, 3 and 4 have been altered slightly. Plots 2 and 3 were a corner plot with angled gardens and this has been changed to The Chatsworth House Type on Plot 3 and The Melton House Type on Plot 2. Plot 1 shows The Kingston House Type.

Plots 188 and 187 have also been altered to feature The Chatsworth, The Somerset with a half hipped garage, slight changes to the internal access but mainly to remove the earlier approved design of houses which 'turned the corner'.

The Chatsworth house types have dual frontage and area considered to be an improvement to this gateway position and would better reflect the street scene and character of the area.

The following plots have had longer garages added which extend slightly further back into the garden: Plots 1, 6, 7, 27, 30, 145, 146, 147, 156, 166, 185 and 184.

Plot 165 has a slightly wider garden.

The front path to The Buckingham has been straightened and the tree planting to the front has changed very slightly to accommodate the path.

Plots 158 and 159 have The Hampton House type which makes their footprint slightly wider on the plot. Plot 160's garage is longer and goes deeper into the plot.

The approved corner plots of Plots 152 and 153 have been removed in favour of The Hatfield house type. Plot 151 has a longer garage going deeper into the plot.

Plots 149 and 150 were corner plots which are now The Woburn and The Sandringham with deeper garages going into the plots.

Additional detail was added to the legend in the amended plans which relate to materials which are considered satisfactory.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and

the relationship to existing development and land uses is a main consideration when making planning decisions.

Other than on very specific plots, the position of the dwellings are as approved and there are no changes. Only plots to the entrance to the site are being changed.

It is noted that a nearby resident wants the orientation of Plot 77 changing due to the fact they consider this impacts on their privacy due to overlooking, being a bungalow. However, the nearest residential property has a garden where its closest point is in excess of 13 metres. Plot 77 is also not close to the boundary with a gap of 12.5m in from the boundary with the nearest property. This phase is also not being changed in footprint terms - only the house type design is being altered, the footprints remain exactly the same as approved. Given the distances involved it is not considered that the position of plot 77 would lead to significant overlooking or loss of privacy. It is not considered justified to change the orientation of Plot 77 from the approved footprint as a result.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details 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. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

There are no changes to the overall parking provision compared with the approved scheme. Due to the design changes proposed, certain plots have had garages moved position slightly, but this does not impact on overall parking provision.

The Local Highway Authority have no objection to the proposed changes.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

There are no changes to the proposals in terms of flood risk compared with the existing approval. The proposal relates to house type changes only and minor changes to the front entrance. The details associated with the approved Flood Risk Assessment are as part of approval H09-0332-16 by Inspire reference KBB-1193-01-FRA-001 P5, dated April 2017. The decision notice reflects this aspect.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The proposed changes do not fundamentally change the nature of the previous approval and as such make no changes in climate change terms.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Other Matters

It is noted that Councillor Barnes has made detailed comments about S106 monies being allocated to Holbeach and not to Fleet Parish. However, the S106 agreement already runs with the land and is unaffected by the current proposal under consideration.

It is noted that the Tree Officer has made detailed notes in relation to this application. She queried whether existing trees are to be retained. The previous approval had a condition relating to tree retention of existing trees. It is suggested that the same condition be re-imposed with amended plan numbers.

The Tree Officer notes that there are sixteen proposed fewer trees than shown on plans in 2016, but added that they are possibly better spaced now. It is considered that further trees are not required given the improved spacing.

She notes that the area around the pond and easement to the IDB has great potential to be managed for biodiversity. She suggests a management plan for areas to sustain and enhance wildlife, cutting regimes to retain longer grass areas, and not just to cut it as amenity grassland - shorter grass near paths to reduce the potential fire hazard, and otherwise manage it for wildlife.

She notes that grass areas need fencing before complete clearance and development takes place, with biodiversity islands being created, similar to root protection areas. Existing wildlife, particularly invertebrates can continue to live undisturbed in these area and provide a nucleus population to ensure continuation of the existing ecosystem. She suggests that a long term management plan is required for newly planted trees, particularly in dry periods for at least the first 2 years so that they can take advantage of the long daylight hours of spring and summer to establish root systems.

Conditions area suggested to control these aspects which are considered appropriate in Biodiversity Net Gain terms.

Of the landscaping proposals, Sheets 2 to 6 are identical to the landscaping previously approved. Sheet 1 is different only to the extent that the design of the opening houses either side of the entrance point were of a design which turned the corner, which have now been replaced by the Chestnut House type.

It is noted that On the western portion of the site, a bank of trees were to be removed as part of H09-0277-20. Part of the permission involved a comprehensive replacement planting scheme as per a supporting document. It is suggested that a condition be imposed to ensure that a replacement planting scheme is re-introduced.

The other dwellings have not moved in terms of footprint. Subject to the suggested conditions it is considered that the proposals are acceptable in terms of landscaping, impacts on preserved trees and also biodiversity.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development which has previously been granted planning permission. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Planning permission has been granted previously on this site and as such the principle has been established. The overall layout has also been established and the changes to the layout are minor and improve the development in design terms. The house types are generally better than those approved, and have had minor changes to improve their design still further. There are no significant changes to landscaping. As such the proposal is considered acceptable and recommended for approval.

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.