

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H09-0337-22	Applicant:	Gleeson Homes
Proposal:	Details of existing & proposed site levels, cross sections and boundary treatments (Conditions 10 & 12 of H09-0786-22)		
Location:	Land North Of Northons Lane Holbeach Spalding		
Terminal Date:	21st June 2023		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
16	Holbeach West Sustainable Urban Extension
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making
 Section 5 - Delivering a sufficient supply of homes
 Section 8 - Promoting healthy and safe communities
 Section 9 - Promoting sustainable transport
 Section 11 - Making effective use of land
 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
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 10 and 12 of planning approval H09-0786-22, relating to details in relation to existing and proposed site levels, cross sections and boundary treatments.

Planning approval H09-0786-22 granted full planning application, through a Section 73 application, for residential development, comprising 103 dwellings.

Site Description

The application site, as detailed within the aforementioned planning approval (H09-0786-22), is part of a wider housing allocation site. The site is currently greenfield land, situated between Northons Lane to the South-West and the A17 to the North-East. The site is further bound by existing residential development to the South-East and agricultural land to the North-West.

The site, at the point of the initial proposal submission, was bound by established vegetation, which includes both hedgerows and trees. Internally the site has been worked as arable land previously and contained no remarkable features, primarily covered by grass, prior to development commencing.

History

H09-0602-20. FULL. Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure.. APPROVED. 16-12-21.

H09-0786-22. S73A CONTINUATION. Modification of Condition 2 of approved H09-0602-20 to allow amendments to previously approved plans. APPROVED. 02-12-22.

Consultation Responses

LCC Highways & SUDS Support

Does 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 information required under Conditions 11 and 13 of H09-0602-20 was not requested by the Authority and therefore does not wish to object to this planning application.

Neighbouring Residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. Four letters of representation have been received from neighbouring residents, their comments are summarised below:

- The new access will increase through traffic
- No acknowledgment of extra pressure on Doctors, Dental Surgeries and Schools
- Concerns regarding the wildlife that resides on the land
- Unhappy with the location of dwellings in relation to existing dwellings
- Subject to lots of construction noise during the day
- Should receive compensation for the impact this development has had
- Concerns regarding the proposed fencing

Planning Considerations

This application relates to conditions 10 and 12 of planning approval H09-0786-22.

Condition Details

The conditions detail:

Condition 10

Notwithstanding the details submitted, before the commencement of the development hereby permitted beyond oversite, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The details submitted with regard to the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, are all considered to be acceptable.

Condition 12

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Boundary treatment details have been submitted, with revisions also forthcoming as a result of continuous dialog between officers, the developers and representation outlined by residents. A site meeting has also taken place, allowing a walkthrough of the site to assess both land levels (including resultant garden levels) and the proposed boundary treatments.

The most recent amendments, which includes 2.0 metre high fencing with a 0.3 metre high trellis

above to the rear boundaries of the eastern and southern plots, including those neighbouring Cedar Drive, Spruce Close and Oakwood Glade etc. The amended details, which have been subject to this recommendation, are considered to be acceptable.

Conclusion

The details in relation to these conditions (10 and 12) are acceptable and can 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.