

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0436-19 **Applicant:** Loosegate Developments Ltd

Proposal: Residential development - approved under outline H09-0326-17 - Modification of Condition 13 to allow landscaping completion time frame to relate to each phase

Location: Wignall'S Gate Holbeach Spalding

Terminal Date: 31st July 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

Sections

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Residential development - approved under outline H09-0326-17 - Modification of Condition 13 to allow landscaping completion time frame to relate to each phase.

The applicant seeks to justify the proposal as follows:

The overall development will take longer than 12 months to build, so the condition requiring landscaping to be completed within 12 months is not possible.

As the scheme is being built in 3 phases, the applicant would like the landscaping completion time-frame to be related to each phase.

The applicants seeks to replace the existing condition with the following wording:

The scheme of landscaping and tree planting shown on the Planting Masterplan for Residential Development WG/18/01 Sept '18 and the Landscape Management Plan September 2018, shall be carried out in 3 phases. For phase 1 the landscaping to be in place by the time the 31st dwelling is sold. For phase 2 the landscaping to be in place by the time the 65th dwelling is sold. For phase 3 the landscaping to be in place by the time the 77th dwelling is sold. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the phase to which the landscaping relates, and during that period all losses shall be made good as and when necessary.

Site Description

The site is located outside of the settlement limits of Holbeach to the south of Wignals Gate.

The application site is located behind frontage development and runs to the side of Holbeach Cemetery. It has open boundaries on all sides except for the residential properties on Wignal's Gate.

Currently vacant agricultural fields, the site can be described as generally level. A group of 10 dwellings lie to the north perimeter of the site and the application site is bounded to the west, south and east by drains. Further agricultural fields exist beyond.

The site can be accessed from Wignals Gate, the end of which abuts the Northern site boundary. An electricity substation is sited to the north east of the site.

History

H09-0326-17. Residential development. Approved 21-08-18.

Consultation Responses

Holbeach Parish Council

No response received.

Third Parties

One objection received, setting out issues as follows:

While the apportion landscaping to each individual phase is sensible, would like to see work done on the public open space so that current residents in the area, and new occupants on the 1st phase of the development, can utilize and enjoy the area.

Area has lost a considerable amount of arable land to this development, and along with this, many animals have lost their habitats - As 20% of the land for this development is dedicated as public open space, surely this needs providing sooner rather than later.

There also needs to be clarity as to who will manage the landscaping on individual plots after the the proposition that owners will look after this for only 5 years

Planning Considerations

Implications of phasing

Condition 13 of H09-0326-17 is worded as follows:

When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

The management of the development is controlled by other conditions appended to the original decision.

The provisions of the Wildlife and Countryside Act would apply to this development in the usual way.

Conclusion

It is considered that the delivery of the open space on this development could be phased and not have a detrimental impact on the amenities of the area, the services and facilities available to the residents of the new scheme or on the wildlife implications of the development.

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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.