

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1317-21 **Applicant:** Loosegate Developments Ltd.

Proposal: Details of roads & footpaths specification, finished surface levels of estate road & associated footways & areas of publicly accessible open space (Conditions 4, 6 & 11 of H09-0436-19)

Location: Wignall'S Gate Holbeach Spalding

Terminal Date: 25th February 2022

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 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Details of roads & footpaths specification, finished surface levels of estate road & associated footways & areas of publicly accessible open space (Conditions 4, 6 & 11 of H09-0436-19)

Site Description

As host consent.

History

H09-0188-21. FULL Residential Development comprising 36 dwellings and associated works. WITHDRAWN.

H09-0113-21. NON MAT AMENDMENT. Erection of 77 dwellings & associated works - approved under H09-0492-19. Amendments to position of kitchen door and window on Plot 2. APPROVED. 16-02-21

H09-1178-19. MODIFIED AGREEMENT. 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. 25-02-20

H09-0724-19. CONDITION COMPLIANCE. Details of lighting to roads and footpaths and publicly accessible open space (Conditions 9 & 15 of H09-0326-17) - Residential development. APPROVED. 4-09-19.

H09-0228-19. CONDITION COMPLIANCE. Details of Conditions 7 (Surface water drainage), 8 (Contaminated land), 10 (Refuse storage), 12 (Existing and proposed site levels), 16 (Open space management), 17 (Construction process management plan), 18 (Prevention of mud on the highway), & 19 (Foul water strategy) of H09-0326-17. APPROVED. 25-04-19.

H09-0492-19. Erection of 2 dwellings - Amendments to Plots 1 & 2 - Outline approval H09-0326-17. APPROVED 05-07-19.

H09-0436-19. SEC 73 MODIFICATION. Residential development - approved under outline H09-0326-17 - Modification of Condition 13 to allow landscaping completion time frame to relate to each phase. APPROVED. 22-07-19.

H09-0270-19. RESERVED MATTERS. Erection of 12 dwellings (Plots 13,14,15, 20, 21, 26, 27, 67, 68, 69, 76, 77) - outline approval H09-0326-17. APPROVED. 30-05-19.

H09-0872-18. RESERVED MATTERS. Erection of 77 dwellings and associated works - outline approval H09-0326-17. APPROVED. 04-12-18.

H09-0326-17. OUTLINE. Residential development. APPROVED. 21-08-18.

Consultation Responses

LCC - Local Highway and Lead Local Flood Authority

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) can advise that the details submitted in respect of the roads and footway specification are satisfactory and the Authority does not wish to object to this planning application.

Anglian Water

Conditions 4, 6 & 11 are not drainage related therefore unable to make comments.

Lincs Wildlife Trust

No response received.

Planning Considerations

Condition 4

Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) can advise that the details submitted in respect of the roads and footway specification are satisfactory. It is therefore considered that the details of this condition can be discharged.

Condition 6

Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) can advise that the details submitted in respect of the roads and footway specification are satisfactory. It is therefore considered that the details of this condition can be discharged.

Condition 11

Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

The details are considered to be acceptable and this condition can be discharged.

Conclusion

Approve.

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.