

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H01-1163-20	Applicant:	Broadgate Homes
Proposal:	Details of construction management plan, precautions for mud deposits on road, boundary treatment, tree protection, recommendations for ecological retention, tree works, access road construction and surface water disposal and storage and disposal of refuse and recycling (Conditions 3, 4, 6, 7, 8, 10, 12 & 15 of H01-0203-20)		
Location:	Land Rear Of 75 Backgate Cowbit Spalding		
Terminal Date:	24th February 2021		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Details of construction management plan, precautions for mud deposits on road, boundary treatment, tree protection, recommendations for ecological retention, tree works, access road construction and surface water disposal and storage and disposal of refuse and recycling (Conditions 3, 4, 6, 7, 8, 10, 12 & 15 of H01-0203-20).

The application has been revised since submission to amend certain boundary treatments and to clarify the treatment of holly bushes/trees on adjoining land, that overhangs the site.

Site Description

As host application.

History

H01-0203-20. Residential development comprising 4 detached bungalows and garages. APPROVED. 20-10-20.

Consultation Responses

SHDC Environmental Protection

No objection.

SHDC Trees and Nature Conservation Officer

Strongly support tree protection under British Standard 5837 2012, prior to works commencing on site.

Slightly at odds with the comments on the coloured plans within the report showing tree/ hedgerow protection. Arrows to a blue line adjacent to the hedgerows to be retained state: 'Proposed fence run positioned as near to the boundary as is possible.' It can be seen that in places access for construction is at a premium, but ideally the boundary fence should not only protect the hedge line itself but also to be of sufficient distance to protect its roots. In the report text it states: 'Every effort should be taken to protect a maximum possible area of the root system'.

No comments on proposed tree works as long as there is no doubt that the correct interpretation will be given to those works proposed to hedgerows. (Presumably it is obvious when standing in front of the candidate).

Strongly support all tree works to be carried out to British Standard 3998 2010.

Pruning of sycamores/ maples should take place in late summer or early autumn. All pruning works should be completed by mid-January to avoid problems of sap bleed.

Generally conifers such as Leyland cypress should only be heavily pruned (or topped) in July. The

optimum time for annual trimming works is between July and August. This is sometimes not feasible due to nesting birds being present. Works in the late autumn, winter and early spring months should be avoided.

Holly should apparently ideally be trimmed in August. (Please note, the major cutting back of a hedge is best spread over two to three years).

Would never recommend close boarded fences immediately adjacent to hedgerows. Shades sunlight from the hedgerow, which is likely to cause dieback; reduces water availability to hedgerow, as can shade rainfall from reaching the base.

Please take note of the existing neighbouring property owner's concerns with regard to their holly trees.

Pleased some effort has been made to incorporate some bat boxes, a pair of bird boxes and holes in fences for hedgehogs, how about some swift boxes? The pair of nest boxes look in a particularly draughty location; facing the prevailing wind, which normally comes from the south west. I hope advice has been sought as to the most favourable aspect for all these creature homes.

The bird nesting period generally lasts between mid-February when song thrushes start to nest to the end of August, but second brood blackbirds can be found nesting in September. Wood pigeons and collared doves can be found nesting later. There are exceptions in areas where there is artificial light present. In the arboricultural report it indicates that the nesting period is between mid-February and end of August which is more accurate than July as stated in Condition 9. Basically, whenever a bird is nesting it is protected no matter what month it is in.

LCC SUDS

Does not wish to restrict the grant of permission.

No objections to the approval of conditions 3,4,6,7,8,10,12, &15 of H01-0203-20.

No objection to the amended plan.

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.

Anglian Water

Foul Water Comments: No comments.

Surface Water Comments: The surface water method of disposal is not to the public surface water sewer, as infiltration is being utilised. This is therefore outside of Anglian Water's jurisdiction for comments.

Third Parties

Two objections received as follows (summarised):

- Treatment of fence and hedge/trees at the pinch point of the entry road.
- The proposal to put trellis on the fence behind property on Backgate. Permission will not be given.
- Location of protective fencing.
- Flooding and drainage.
- Suitability of access for large vehicle access.
- Damage to the road surface and structure.
- Flow of debris and mud onto other properties in the area and damage to trees, kerbs and other residential property due to works access etc.
- Parking and penalties during construction.
- Responsibility for road cleansing during construction.

- Path to 1 side of Backgate and very limited visibility in both directions from a car.
- Rubbish collection area.

Planning Considerations

Condition 3

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Backgate and residential amenity.

The construction management scheme proposed is considered to be acceptable and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019.

Condition 4

Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

The details proposed are considered to be acceptable and in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019.

Condition 6

Notwithstanding the details shown on the submitted plans, prior to its installation, full 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.

The fencing installed shall accommodate routes for hedgehogs.

The details of the boundary treatments have been amended since original submission, as one objector has stated that permission would not be given to fix trellising to existing fencing. As a result, a free standing fence is now proposed, which does not impinge upon the existing fence. This is not ideal, as access for maintenance would not be straightforward for the site or for the neighbour, but the applicant has had to work to the constraints imposed by the neighbour.

A holly tree/bush screen along the entrance is to be pruned back to the boundary, as it currently overhangs the development site. There is an existing fence marking this boundary under the holly.

An informative is suggested to remind the applicant of the need for routes for hedgehogs through the fencing.

The details are now considered to be acceptable and would maintain an appropriate level of privacy to the existing and future residents of the site and locale, and are in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019.

Condition 7

Where trees and hedges are shown on dwg. no. 1901-FPA-03 Rev B to be retained on site or adjacent to the site they shall be protected during construction work.

The revised details are considered to be acceptable and are in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

Condition 8

The recommendations for ecological retention and enhancement as set out within the Protected Species Report. Inspired Ecology Ltd. December 2019 shall be implemented.

The details are now considered to be acceptable and are in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and the national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

Condition 10

None of the existing trees or hedges on or adjacent to the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within twelve months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

The details are now considered to be acceptable and are in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

Condition 12

Notwithstanding the details set out within the Drainage Statement - Hall Infrastructure Design Ltd. 1-11.02.20 before the commencement of the development hereby granted beyond oversite, full details of the means of access road construction and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The details are now considered to be acceptable and are in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019.

Condition 15

No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the occupation of each dwelling and shall thereafter be retained.

The details are considered to be adequate for a backland site of this nature, and are in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019.

Other matters

Objection has been made to matters such as highway visibility, that was addressed by the host consent, and matters such as highway cleansing that are covered by the application submission. Matters regarding parking and penalties during construction, if on the highway and causing public nuisance, are a matter for the Police.

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.