

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-1079-22 **Applicant:** D & R Property Services Ltd

Proposal: Details of refuse/recycling collection, management of private drive and landscaping, construction management plan and method statement.
(Conditions 3, 4 and 7 of H03-0479-22)

Location: Land Off Campains Lane Deeping St Nicholas Spalding

Terminal Date: 29th December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of refuse/recycling collection, management of private drive and landscaping, construction management plan and method statement. (Conditions 3, 4 and 7 of H03-0479-22).

Site Description

The site is outside of defined settlement limits and the existing use is as part of a large agricultural field. This is a small section of the field which fronts the south-western side of Campains Lane. There are dwellings to the north-west, north-east and south east of the site with the rest of the field to the south west.

Land belonging to properties to the north-east of the site tends to slope downwards from the road level, so these properties are built on a lower level. Properties in Elizabeth Crescent opposite are bungalows with two storey houses either side.

There is a two-storey house to the north-west boundary of the site which has the front elevation facing the site. There are bungalows on the plots beyond the house.

Dwellings to the south east are mostly bungalows which face on to the main road and have garages between the field and the dwellings which screens views of the field.

There is no proper pathway along Campains Lane, but there is some lighting. The lane is narrow and there is an open drain between the site and the lane. There is an access to either side of the field for residential dwellings, but no access into the existing field from this part of Campains Lane.

The site is in Environment Agency Flood Zone 3, subject a "Danger for Some" hazard, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

History

H03-0168-21 - Erection of 9 dwellings - outline approval H03-1005-16 (approved on Appeal) - Approved June 2021.

H03-1005-16 - Outline application with some matters reserved - Refused then allowed on appeal March 2018.

H03-0479-22 - Full Planning application for 9 dwellings - Approved July 2022.

Consultation Responses

LCC Highways & SUDS Support

No objection.

The highway authority considers the submitted details to be satisfactory and therefore does not wish to object to the discharge of these Conditions.

Environmental Protection

Suitable arrangements shall be made for the control of dust in the event of extreme heat.

No burning permitted on site. To protect amenity of nearby properties

Resident

I would like to object to the request the developer has requested to work on Saturdays between 8am and 1pm.

I work from home and the noise and vibration from the site is already causing an impact. I would like consideration to be taken into account and discuss the works only to take place Monday to Friday. to give peace and quiet for at least two days of the week.

Planning Considerations

Details of refuse/recycling collection, management of private drive and landscaping, construction management plan and method statement. (Conditions 3, 4 and 7 of H03-0479-22).

Condition 3

Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection and the management of the private drive and adjacent open space/landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: To ensure appropriate arrangements are in place for the collection of refuse/recycling and the upkeep of the private road and communal space.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Confirmation has been received during the application that the refuse and recycling collection will be carried out by South Holland District Council as they can collect all bags by the roadside. The owners of the dwellings will take their bags on the day of collection to the two designated bin collection areas as shown on the drawings submitted with application H03-0479-22.

A statement has been submitted confirming that on the sale of the last property the private drive and bin collection areas will be transferred to a management company jointly owned and controlled by the property owners.

Condition 4

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;*
- the parking of vehicles of site operatives and visitors;*
- the loading and unloading of plant and materials;*
- the storage of plant and materials used in constructing the development;*
- wheel washing facilities;*
- a strategy stating how surface water run off on and from the development will be managed during construction*

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Condition 7

Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, refuse/recycling collection points and private drive shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Confirmation during the application has been received confirming that this is part of condition 3 however no maintenance schedule can be completed as the only areas to be maintained are the drive and bin collection points which will be monitored by the management company and dealt with when required. The management company will be jointly owned and managed by the owners of the properties therefore any issues to the drive and bin collection areas will be reported immediately by the owners of the properties.

Other Matters

An objection has been received regarding the proposed working hours on Saturdays. Whilst the concerns are understood, the hours stated within the Construction Management Plan are standard hours submitted to the Local Planning Authority and are therefore considered to be acceptable.

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.