DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0488-24**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Details of construction and traffic management scheme & precautions to prevent the deposit of mud on public highways (Conditions 12 & 15 of H04-0244-16)		
Location:	Land Off Malting Lane Donington Spalding		
Terminal Date:	29th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 12 and 15 of planning approval H04-0244-16, relating to details of construction and traffic management scheme & precautions to prevent the deposit of mud on public highways.

Site Description

The application site is located at the southern side of Donington and is at present open scrub land. The site is accessed from Malting Lane (set to the west) and located south of William Close which is a private road and north of the estate fronting Arnhem Way, to the front of Malting lane are a row of bungalows that site north of the access.

History

H04-0244-16 - Outline planning application for a residential development of approximately 73 dwellings (Class C3), all matters are reserved, except for access.

H04-0268-20 -Reserved Matters - Residential Development of 40 dwellings - outline approval H04-0244-16

Consultation Responses

LCC Highways

Recommendation: No objection

The details submitted to discharge Details of construction and traffic management scheme & precautions to prevent the deposit of mud on public highways (Conditions 12 & 15 of H04- 0244-16) are acceptable in accordance with approved drawings and details submitted with this application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

Condition Details

The conditions detail:

Condition 12

A detailed scheme of Construction and Traffic 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

The scheme shall include:

- parking for all vehicles associated with construction including employees cars;
- access for all construction traffic ;
- hours of working; - measures to control dust, noise, vibration and smoke;
- measures to prevent mud and debris entering the public highways by construction traffic including wheel washing facilities.

Construction shall be carried out only in strict accordance with the approved details.

Reason: In the interests of the amenity of the area and to allow the Local planning Authority to retain control over the construction process. This condition is imposed in accordance with policy SG17 of the South Holland Local Plan 2006.

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "The details submitted to discharge Details of construction and traffic management scheme (Conditions 12 of H04- 0244-16) are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

Condition 15

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.

Reason: In the interests of highway safety during the construction process. 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 Policies SG15 and SG17 of the South Holland Local Plan, 2006.

The relevant consultees at the Highways Authority have been consulted and have raised no objections confirming the following "The details submitted to discharge Details of precautions to prevent the deposit of mud on public highways (Conditions 15 of H04- 0244-16) are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

Conclusion

The details in relation to conditions 12 and 15 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.