

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0041-23 **Applicant:** Larkfleet Group

Proposal: Details of construction management, mud precautions and tree and hedge planting. (Conditions 5, 6 and 14 of H05-0565-22)

Location: Land At Lowgate Fleet Spalding

Terminal Date: 13th March 2023

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

Section 5 - Delivering a sufficient supply of homes
Section 6 - Building a strong, competitive economy
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of construction management, mud precautions and tree and hedge planting. (Conditions 5, 6 and 14 of H05-0565-22).

Site Description

The site sits on the western side of Lowgate at the junction with Roman Bank. To the south are a number of frontage properties and an area of paddock land extending to the rear. To the north on the opposite side of Roman Bank is a Grade II Listed Building known as Hovenden House. To the

east and west are arable fields. The site is largely flat & featureless save for three fishing lakes in connection with the previous recreational fishing facility on site.

History

H05-0114-15. Construction of 12 log cabins for holiday/leisure use. Approved September 2015.

H05-0699-16. Construct 6 log cabins for holiday/leisure use. Approved September 2016.

H05-0773-17. Erection of 24 (in total) log cabins for holiday/leisure use including 6 No. additional log cabins; 6 No. cabins granted under planning permission reference H05-0699-16 and 12 No. cabins granted permission under H05-0114-15. Approved July 2018.

H05-1033-19. Details of surface and foul water, proposed levels, external materials and storage and disposal of refuse (Conditions 4, 6, 9 and 10 of H05-0773-17). Approved December 2019.

H05-0404-21. Details of external materials (Condition 9 of H05-0773-17). Approved May 2021.

H05-0709-21. Application for a Non-Material Amendment to planning permission H05-0773-17 to amend the description of development to 'Erection of 24 (in total) cabins for holiday/leisure use including 6 No. additional cabins, 6 No. cabins granted under H05-0699-16 and 12 No. cabins granted permission under H05-0144-15'. Approved July 2022.

H05-0507-22. Non-Material Amendment (NMA) application to amend the location of the already approved cabins in the first phase and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0379-22. Non-Material Amendment (NMA) application to add a phasing condition and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0555-22. Details of external materials (Condition 9 of H05-0773-17). Approved June 2022.

H05-0565-22 - Erection of 38 cabins for holiday / leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent). Approved November 2022

H05-1085-22 - Erection of a wind fence to produce renewable energy to support the holiday lodges on the site adjacent - To be determined

H05-0129-23 - Details of surface water disposal, foul water drainage works and solar panels. (Conditions 11, 12 and 17 of H05-0565-22) - To be determined

Consultation Responses

LCC Highways & SUDS Support

No objection.

The submitted Construction Management Plan and the detailed proposals for wheel-cleaning are acceptable to the highway authority and the authority does not therefore wish to raise any objection to the discharge of this Condition.

Public]

1 objection / comment received, summarised as follows -

- The banking has stopped short of the original plans

-Developers agreed there would be no through passage from bank to south west corner

-The plans are not correct. There was no through road to the other side from west

Planning Considerations

Details of construction management, mud precautions and tree and hedge planting. (Conditions 5, 6 and 14 of H05-0565-22).

Condition 5

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 Lowgate and Roman Bank, and residential amenity.

Reason: In the interests of the amenity of local residents. 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 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Condition 6

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 Policy 3 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Condition 14

Details of the tree and hedge planting to the turning head on the western side of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved planting shall be carried out and completed within 3 months from the date of this Decision Notice.

Reason: To ensure that the southern side of the application site is adequately landscaped, in the interests of the amenity of the neighbouring landowner. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The submitted details are adequate.

Other Matters

Representation has been received raising concerns that the submitted plans are incorrect and do not match the approved plans under application H05-0565-22. The submitted plans and the approved plans under application H05-0565-22 have been cross referenced and there are no inconsistencies. The through road to the west side is on all approved plans under application H05-0565-22 and the proposed banks to the south west side look to be the same.

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.