

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0348-21 **Applicant:** Postland Developments

Proposal: Details of construction management and prevention of mud deposits on highway (Conditions 21 & 23 of H13-0844-17)

Location: Chapel Walk Roman Road Moulton Chapel

Terminal Date: 26th May 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of construction management and prevention of mud deposits on highway (Conditions 21 & 23 of H13-0844-17).

Site Description

As original application but it is noted that site preparation works are underway.

History

H13-0858-20 - Details relating to contamination (Condition 13 of H13-0844-17) (approved April 2021)

H13-0229-21 - Details of storage & disposal of refuse & recycling (Condition 12 of H13-0844-17) (approved April 2021)

H13-0496-20 - Details of Conditions 3 (iii & v), 15, 17, 18, 19, 20 and 22 of H13-0844-17) (approved March 2021)

H13-1148-20 - Details of reserved matters for schedule of materials and landscaping and tree planting - outline approval H13-0844-17 (approved March 2021)

H13-1107-20 - Details of landscaping and tree planting, boundary treatment, public open space & landscape management (Conditions 8, 9, 10 & 11 of H13-0844-17) (approved March 2021)

H13-0370-19 - Details Relating to Archaeology (Condition 5 of H13-0844-17) (approved April 2020)

H13-1096-19 - Reserved matters application for residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17 (approved February 2020)

H13-0844-17 - Outline application for proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) (approved October 2018)

Consultation Responses

Cllr Woolf - On page 17 of this document, the applicant states the following under the section Access/Egress/Control of Mud:

"An internal road is to be created as part of the initial works on the project to allow adequate access off Woodgate Road, using the wider entry as the designated route. All parties needing to attend site will be informed this is the access to use with signage situated to inform all of the route. This will provide a safe means of access and egress to the site compound and drop off areas. The site's main access and egress is planned to change during the project following the completion of the Roman Road entrance. Delivery vehicles will then enter from Roman Road and exit via Woodgate Road rather than two-way traffic on Roman Road which all other vehicles will utilise. This will reduce the localised congestion and create a more efficient traffic flow around the site and surrounding residential roads".

Given the internal road has already been created under permitted development rights, this statement is somewhat presumptuous. It is also incorrect as if anything localised congestion will increase as Woodgate Road quite simply can't handle that amount of traffic, and nor should it. A further incorrect comment in the statement is Woodgate Road is a wider entry than what Roman Road will be. This is not true and was clearly evident when an articulated vehicle took over 30 minutes to manoeuvre back and forth to gain access into the Woodgate Road entrance. Put quite simply, the Woodgate Road access should be off limits as the road is unable to cope with this construction traffic. Were this access not there, then Roman Road access would have been the one and only option. Please note my objection to this section of the statement and I hope to see just one access/egress point for the development which will be off Roman Road.

SHDC Environmental Protection - No objection. We have no jurisdiction over noise/vibration from vehicle movements on the public highway. We would, of course, welcome any steps taken to minimise the impact on existing residential properties from construction traffic entering and leaving the site.

LCC Highways - Does not wish to restrict the grant of permission. Notes that the access is stoned-up well and there is no material being tracked out onto the highway. There is no obvious damage being caused to the highway. We therefore have no cause to prevent the temporary use of this access.

Public (1 formal web objection received, summarised) -

- Roman Road better suited to HGVs than Woodgate Road
- Several HGVs have been observed using the the western fork of Woodgate Road in spite of it being clearly signed as Unsuitable for HGVs
- The hauliers involved have demanded of residents to move vehicles to allow easier access

Email correspondence has also been received from members of the public raising concerns about highway safety as well as the potential for damage to properties and the carriageway.

Planning Considerations

No objections have been received to the submitted details from the Highway Authority or SHDC's Environmental Protection Officer.

Concerns have been raised locally about the suitability of Woodgate Road for construction and delivery traffic. The applicant initially proposed that vehicles would enter the site via Woodgate Road and following the completion of the access at Roman Road, vehicles would then enter via that road, and exit via Woodgate Road in a one-way system. In response to the concerns raised, the applicant has revised their intentions and they are now proposing to cease use of the Woodgate Road access on 31st May 2021, after which only the Roman Road access will be used.

SHDC's Environmental Protection Officer has advised that they have no jurisdiction over noise/vibration from vehicle movements on the public highway. In the absence of an objection from Environmental Protection, it would be unreasonable to refuse consent on grounds of unacceptable noise and vibration. Furthermore, officers of the Highway Authority have conducted site visits and have advised that they do not have any cause to prevent use of the Woodgate Road access by reason of unacceptable impact upon highway safety or unreasonable wear and tear on the fabric of the highway.

In light of the above comments by consultees and the revised intention of the applicant to cease use of the Woodgate Road access on 31st May 2021, it is not considered that it would be reasonable to withhold consent.

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.

Conclusion

Taking the above into account, it is considered that Conditions 21 & 23 of H13-0844-17 can be discharged.