

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0537-26 **Applicant:** Postland Developments Ltd

Proposal: Details of construction management & precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction (Conditions 19 & 20 of H14-1311-16)

Location: Land South Of Milestone Lane Pinchbeck Spalding

Terminal Date: 30th July 2026

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 December 2024

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
PARISH COUNCIL	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of construction management & precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction (Conditions 19 & 20 of H14-1311-16).

Site Description

The site is approximately 1.87 hectares in size and is comprised of a vehicle repair workshop, stables and paddocks. There are properties on the northern fringes of the site, accessed from Milestone Lane and Crossgate Lane, which run to the north and east of the site. To the west is Gallery Walk, which provides pedestrian links to Flaxmill Lane and to the south are the rear gardens of properties on The Meadows and Crossgate Crescent, both accessed from Flaxmill Lane.

History

H14-1311-16 - Proposed residential development. Approved 11-09-17

Consultation Responses

Highways

A second consultation response from Highways states that "The Details of construction management & precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction (Conditions 19 & 20 of H14-1311-16) submitted with this application are acceptable in accordance with approved details.

Parish

No Comment

Local Comments

A representation has also been received which states "I note that item 4.2 of the construction management plan, under dust management, states "no burning on site". Good. More if not all housing sites should have this rule in the planning approval. A previous set of 2 houses built on Milestone Lane on the same old farm site had burning in open containers, and when the men doing it were asked to douse it they swore at us, 'us' being a woman and child, and threatened us to f off. This new building site adjoining those other 2 houses are a different firm doing the construction? I think so, and hopefully the no-burning rule will be strictly adhered to. Hopefully also the council will enforce it, and include it in any planning conditions"

Environmental Protection

I am in agreement with the proposed construction management plan.

Planning Considerations

Condition 19 - Construction Management

The condition requires:

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 Milestone Lane and residential amenity.

The applicant has provided:

·Construction Management Plan

The submitted Construction Management Plan provides details for managing the construction phase of the development and demonstrates how potential impacts on neighbouring occupiers and the surrounding area will be minimised. The Plan includes measures to control noise, dust, vibration and smoke during construction, together with detailed arrangements for the management of construction traffic, site personnel vehicles, material deliveries and site logistics to safeguard highway safety and minimise disruption to users of Milestone Lane. It also includes appropriate measures to prevent mud being deposited on the public highway, including the provision of wheel washing facilities where necessary. The Local Highway Authority has confirmed that the submitted details satisfy the requirements of Conditions 19 and 20, whilst Environmental Protection has raised no objection to the proposed Construction Management Plan. Although one local representation requested that the prohibition on burning on site be strictly enforced, the submitted Plan confirms that no burning of waste will take place during construction. Overall, the submitted Construction Management Plan is considered to adequately address the requirements of Condition 19 and is therefore acceptable.

Condition 20 - Mud on Public Highways

The condition requires:

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 applicant has provided:

·Construction Management Plan

The submitted Construction Management Plan includes detailed measures to prevent the deposit of mud and debris onto the public highway during the construction period. These measures include the provision of wheel washing facilities at the site exit where necessary, inspection and cleaning of vehicles prior to leaving the site, a stabilised hardstanding access and internal stone haul road to reduce trackout, regular sweeping of the site entrance, and the immediate removal of any mud deposited on the highway, including the use of a mechanical road sweeper where required. The Plan confirms that these measures will be monitored by the Site Manager, maintained throughout the construction period, and only withdrawn following completion of the development or with the prior written agreement of the Local Planning Authority. The Local Highway Authority has confirmed that the submitted details are acceptable and satisfy the requirements of Condition 20. As such, the submitted details are considered to comply with the requirements of the condition.

Conclusion

Conditions 19 & 20 of H14-1311-16 are hereby 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.