DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0650-21**	**Applicant:**	**Bellway Homes Eastern Counties**
Proposal:	Details of programme for phasing, contamination, construction management plan & prevention of mud deposits on public highway (Conditions 4, 8 parts i & ii, 14 & 15 of H14-0720-18)		
Location:	Land Off Wardentree Lane Pinchbeck Spalding		
Terminal Date:	11th November 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE - Details of programme for phasing, contamination, construction management plan & prevention of mud deposits on public highway (Conditions 4, 8, 14 & 15 of H14-0720-18).

The application is supported by the following:

Application form
Site Management Plan - Construction Environment Management Plan CEMP-01 Rev A
Site Investigation Report - April 2020 C14985
Appendices 1, 2 and 3 to Site Investigation Report
Build Route - Construction Environment Management Plan CEMP-02 Rev A
Geo-Environmental Site Investigation dated 22 September 2021 BRD3760-OR2-C

Site Description

As host consent.

History

H14-0720-18

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The use of the existing nursery access at the western end of the site's frontage to Wardentree Lane for construction traffic and delivery vehicles makes very good sense and will greatly help to improve safety for site visitors as the development is built-out and to reduce the incidence mud and other site detritus being carried out of the site onto the public highway.
Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory and does not wish to object to this planning application.

SHDC Environmental Services

No objection.

Environmental Protection Officer SHDC

Has reviewed the BRD 'Geo-environmental Site Investigation Red Mile Nursery, Pinchbeck' ref BRD3760-OR2-C dated September 2021 3rd Issue, and in general agreement with the findings. The report recommends remediation and outlines some options in section 10.3.3 and these are generally acceptable. A remediation method statement should be produced which includes the validation proposals and be submitted for approval in due course. Therefore recommend discharge of part i & ii of condition 8 of H14-0720-18 only, with parts iii-iv remaining outstanding

Third Parties

Two representations have been received raising the following:

The proposed access/exit to the new site.
Wardentree Tree Lane used as a rat run.
Hope that temporary fencing will be of a sufficient quality with regard to visual appearance
Concerns that measures regarding dust/ debris and noise effecting nearby residents

Planning Considerations

Condition 4

Before the development commences, a programme for the phasing of the development shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme.

The arrangements set out in the submission indicate the phasing of the development as well as the areas for compounds, parking and storage, including the storage of topsoil predominantly on the western side of the site. The details are considered to be acceptable.

Condition 8

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented.

The arrangements set out in the submission are considered to be acceptable to discharge parts i and ii only.

Condition 14

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.

The arrangements set out in the submission are considered to be acceptable.

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.

The arrangements set out in the submission are considered to be acceptable.

Other matters

Two responses have been received regarding issues considered during the consideration of the host planning applications, with regard to the location of the access and traffic on Wardentree Lane.

The matters raised regarding temporary fencing and measures regarding dust/ debris and noise are covered by the submission and are considered to be suitable and appropriate.

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.