

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0052-22 **Applicant:** Seagate Homes

Proposal: Details relating to construction management plan (Condition 12 of H16-0668-16)

Location: Millfield Nursery Spalding Common Spalding

Terminal Date: 18th March 2022

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
12	Reserve Sites
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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	1

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE. Details relating to construction management plan (Condition 12 of H16-0668-16).

The CMP has been revised since original submission to take in to account the concerns of SHDC and LCC officers.

Site Description

As host consent.

History

H16-1070-20. RESERVED MATTERS. Erection of 95 Dwellings - outline approval H16-0668-16. APPROVED 03-09-21.

H16-0668-16. OUTLINE. Residential development. APPROVED 13-03-18. Subject to a S106 agreement, which set the development for "up to 135 dwellings".

H16-0984-19. RESERVED MATTERS. Residential development - comprising 40 dwellings - outline approved H16-0668-16. 13-02-20. 100% affordable dwellings.

H16-0543-21. CONDITION COMPLIANCE. Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16). APPROVED. 02-06-21.

H16-0673-21. MODIFIED AGREEMENT. Modification of 106 Agreement restricting the occupancy of the bungalow to agricultural habitation (planning approval H16-0069-93). APPROVED 22-09-21.

H16-0021-21. SEC 73 MODIFICATION. Residential Development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans. APPROVED 16-07-21.

H16-0107-21. SEC 73 MODIFICATION. Residential Development - approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted). APPROVED 04-10-21.

H16-0225-21. CONDITION COMPLIANCE. Details of contamination report, boundary & landscaping, public open space, landscape management & maintenance plan, refuse & recycling storage, external boxes, flues etc, cycle storage, construction management, road construction specification, road levels, surface water & foul water schemes and existing & proposed site levels (Conditions 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 19 of H16-0668-16). APPROVED 02-09-21.

Consultation Responses

SHDC Environmental Protection

No objection.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The submitted Construction Method Statement document is satisfactory as far as it goes but in order to be able to effectively enforce against activities that typically attract complaints, it is suggested that the document should also include commitments to conduct all loading and unloading

of materials entirely within the site and to employ the services of a road sweeping vehicle to routinely remove mud and any other site-derived detritus from the public highway.

SHDC Case officer note: The comments above relate to the revised details submitted by the applicant as their first revision. As a result of these comments the submission was further revised to address these matters.

Planning Considerations

Condition 12

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 Spalding Common and residential amenity.

The details of the construction management plan have been revised as far as practicable to take in to account the location of the site and proximity to the adjacent nursing home.

Ideally no working on Saturdays, Sundays or Bank Holidays. (with the exception of, attendance for security and if pumps/generators are on 24hrs per day they may need attendance to refuel) would have been put in place, however this is not supported by SHDC Environmental Health. Given this, the compromise is considered acceptable, on balance.

The concerns of LCC have been taken in to account.

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.