DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0397-20**	**Applicant:**	**Longhurst Group**
Proposal:	Details of construction management plan, prevention of mud deposits on road, remediation strategy and refuse collection points (Conditions 5, 6, 7i and 8 of H16-0853-17)		
Location:	Former Welland Hospital Site Holbeach Road/Roman Bank Spalding		
Terminal Date:	12th August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of construction management plan, prevention of mud deposits on road, remediation strategy and refuse collection points (Conditions 5, 6, 7i and 8 of H16-0853-17).

Since submission additional information has been received regarding geo-environmental matters and the location and form of refuse collection points.

Site Description

As host application.

History

H16-0853-17. OUTLINE. Residential development for up to 36 residential units and associated works. Approved 15-01-19

H16-0459-19. RESERVED MATTERS. Residential development of 36 dwellings and associated works - Outline approval H16-0853-17. Submission of reserved matters relating to Access, Appearance, Landscaping, Layout and Scale.. Approved 05-08-19.

Consultation Responses

SHDC Env Health

The Environmental Protection Officer can recommend discharge of condition 7 part i of H16-0853-17 only, with parts ii and iii outstanding.

The site investigation report submitted provides sufficient information that remediation is required, but the remedial strategy is a strategy, suggesting which course of action could be taken, rather than a remediation method statement, setting out exactly what will be done and when. It therefore does not contain the required detail.

The site investigation report recommends further gas monitoring, but this has not been undertaken prior to the remedial strategy being developed, and so it is not possible to agree with the conclusions at this stage.
The remedial strategy also specifies a significant engineered cover system on both plots of land, and the EPO is not quite sure on some of the reasoning.

SHDC Env Services

Requested further details as result of original submission.

This information was submitted. No response received.

LCC Highways & SUDS Support

No observations.

Planning Considerations

Construction Management Plan

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 Holbeach Road and Roman Bank and residential amenity.*

The CMP submitted addresses various matters, including hours of operation - Mon-Fri 7.30am to 5.30pm inclusive. Sat 7.30am to 1pm if required.

The CMP is considered to be acceptable.

Prevention of mud deposits on road

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.*

The CMP submitted addresses various matters, including the prevention of mud on the road, specifically regular road cleansing and if needed, wheel washes on the site. This is considered to be acceptable.

Remediation Strategy

Condition 7i - *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 EPO recommends a partial discharge of this condition, for the reasons set out above.

Refuse collection points

Condition 8 - *Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before any dwellings are occupied and shall thereafter be retained.*

Additional information was submitted to detail the refuse collection points, and this is now considered to be an acceptable arrangement.

Conclusion

Approve details.

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.