

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0162-22	Applicant:	R T W Construction & Developments Ltd
Proposal:	Details of boundary treatments, management plan for areas of publicly accessible open space & outdoor play areas, swift bricks/boxes, external materials, construction management plan & method statement, details of precautions to be taken to prevent mud deposits on public highways and lighting design (Conditions 4, 5, 8, 9, 13, 14 & 16 of H17-0236-20)		
Location:	Land To The West Of Coalbeach Lane South Surfleet Spalding		
Terminal Date:	6th May 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
27	Additional Retail Provision
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
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

Representations:

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

CASE OFFICER ASSESSMENT**Proposal**

Details of boundary treatments, management plan for areas of publicly accessible open space & outdoor play areas, swift bricks/boxes, external materials, construction management plan & method statement and details of precautions to be taken to prevent mud deposits on public highways (Conditions 4, 5, 8, 9, 13 & 14 of H17-0236-20)

The application has been amended since submission with the submission of a revised CMP, removing access from Thary Lane, as per the requirements of the condition, plus an updated boundary treatment plan to provide close boarded fencing along the boundary of the footpath link to Station Road.

Site Description

As host consent.

History

H17-0236-20 FULL. Residential development of 60 dwellings. APPROVED 15-09-21.

Consultation Responses**SHDC Environmental Protection**

No objection.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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, in so far as they affect the highway and surface water drainage, the submitted details are satisfactory and therefore does not wish to object to this planning application.

Public

Representations received from 2 local residents but relate to whether the Construction Management Plan has been approved and concerns regarding the routes construction vehicles are taking.

Planning Considerations

Conditions 4, 5, 8, 9, 13 & 14

Condition 4

Notwithstanding the details included within drawing referenced 415.BT.01C prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The revised plan has addressed an issue raised by a resident of Station Road dating back to the original application, in that it now provides fencing along one side of the footpath link to Station Road. Cross sections have been submitted and these indicate that 1.8m high fencing along boundaries with existing properties are adequate to protect residential amenity as there is not a significant difference in levels.

Condition 5

A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite.

Public open space areas should include native wildflower seed and grass mixes and planting. These should be sourced from known local provenance and include native species of benefit to wildlife. These should be managed appropriately as wildflower areas. Interpretation may be needed to explain the management of the areas for wildlife.

The management of these areas shall be carried out in accordance with the details so approved.

The submitted management plan is satisfactory.

Condition 8

Swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter. Details of the number, form and location shall be submitted to and approved by the Local Planning Authority prior to installation.

The submitted details are acceptable.

Condition 9

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

The proposed materials are acceptable.

Condition 13

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction

stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;*
- the parking of vehicles of site operatives and visitors;*
- loading and unloading of plant and materials;*
- storage of plant and materials used in constructing the development;*
- wheel washing facilities;*
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;*
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.*
- hours of working and delivery.*

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Amended CMP now in accordance with the condition as there is no access from Thary Lane. SHDC Environmental Protection have no objections to the CMP.

Condition 14

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.

Submitted details acceptable.

Conclusion

Submitted details acceptable and conditions may therefore be 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.