

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H13-1140-25                      **Applicant:** Emerald Homes Group Limited

**Proposal:** Details of footway along the site's frontage to connect to the existing footway to the north (Condition 15 of H13-0970-20)

**Location:** 1 Shivean Gate Moulton Spalding

**Terminal Date:** 16th January 2026

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

02                      Development Management  
03                      Design of New Development

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 9 - Promoting sustainable transport

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
HIGHWAYS & SUDS SUPPORT	0	0	0	1

**CASE OFFICER ASSESSMENT**

**Proposal**

This application seeks to discharge condition 15 of permission H13-0970-20. Permission H13-0970-20 granted consent for the erection of 2 dwellings. The application was approved on 19 March 2021.

**Site Description**

The site is located on the eastern side of Shivean Gate, within Moulton Conservation Area. There are various listed buildings located to the south and east of the site, including 2 Shivean Gate which comprises an early 19th Century period property. The site is surrounded by dwellings, except for the western boundary which adjoins Shivean Gate.

## Relevant Planning History

H13-1038-12: (Full Application) Replacement dwelling - refused 19 February 2013

H13-0342-13: (Full Application) Replacement dwelling (Re-application following refusal of H13-1038-12) - refused 12 June 2013 - appeal dismissed 19 February 2014

H13-0537-14 : (Full Application) Replacement dwelling - refused 21 October 2014

H13-0914-14: (Full Application) Replacement Dwelling - re-application following refusal of H13-0537-14 - approved 23 December 2014

H13-0283-16: (Full Application) Proposed 2 four-bedroom houses - approved 6 June 2016

H13-0078-17: (Discharge of Conditions) Details of landscaping, external materials, design/position of meter boxes and boundary treatment (conditions 3, 4, 13 and 17 of H13-0283-16) - approved 19 July 2017

H13-0593-17: (Discharge of Conditions) Details of site and floor levels, footway and disposal of surface water and scheme of archaeology (Conditions 16, 19 & 20 of H13-0283-16) - approved 19 July 2017

H13-0606-17: (NMA) Proposed 2 four-bedroomed houses (approved under H13-0283-16) - Amendment to remove parapets - approved 17 July 2017

H13-0040-18: (Discharge of Conditions) Details of slate sample, doors, windows and frames, eaves and verges (Conditions 7, 8, 11 and part 14 of H13-0283-16) - approved 26 April 2018

H13-0970-20: (Full Application) Erection of 2 Dwellings - approved 19 March 2021

H13-0163-22: (Discharge of Conditions) Details of materials for walls & roofs, boundary treatments, layout, appearance & materials of garage block, means of surface water disposal and ecology management scheme (Conditions 4, 13, 14, 16 & 20 of H13-0970-20) - approved 22 March 2022

H13-0434-24: (Discharge of Conditions) Details of footway along the site's frontage to connect to the existing footway to the north (Condition 15 of H13-0970-20) - refused 09 July 2024

## Consultation

Lincolnshire County Council - Highways and SUDS: No objections. The Details of footway along the site's frontage to connect to the existing footway to the north (Condition 15 of H13-0970-20) are acceptable in accordance with approved drawings and details submitted with this application.

## Key Planning Considerations

Condition 15 reads as follows:

"The development hereby permitted shall not be occupied before a 1.8 metre wide footway has been provided along the site's frontage to connect to the existing footway to the north in accordance with details that shall first have been submitted to, and approved in writing, by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Note: The highway improvement works referred to above are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

Reason: To ensure safe access to the site in the interests of residential amenity, convenience and safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by a plan showing the proposed footway construction and details for a S278 Minor Highway Works Agreement. Lincolnshire County Council's Highways Team have reviewed the submitted information and consider that the information satisfies the requirements of condition 15. As such, condition 15 can 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.

## **Conclusion**

The details address the requirements of condition 15 of permission H13-0970-20.

## **Recommendation**

Discharge condition 15.