DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0699-25**	**Applicant:**	**Burmor Construction Ltd**
Proposal:	Details of 1.8 metre wide footway, to connect the development to the existing footway network (Condition 5 of H14-0117-22)		
Location:	Land East Of Surfleet Road Pinchbeck Spalding		
Terminal Date:	15th September 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
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
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 5 of H14-0117-22. Condition 5 requires details of a 1.8 footway to be submitted and approved. Permission H14-0117-22 granted consent for 37 affordable dwellings.

Site Description

The site is within the settlement boundary of Pinchbeck, within a mostly residential area. A private watercourse abuts the south and east boundary of the wider site, which conveys runoff south-east and ultimately to "Captains Drain" around 150m south of the development site.

Relevant Planning History

H14-0557-22: (Outline Application) Development of 4 self-build plots - approved 21 December 2022

H14-0117-22: (Full Application) Development of 37 Affordable Dwellings - approved 21 December 2022

H14-0287-23: (Discharge of Conditions) Details of archaeological investigation. (Condition 7 of H14-0117-22) - approved 14 April 2023

H14-0368-23: (Discharge of Conditions) Details of construction management plan, wheel washing, estate road phasing & completion plan, site levels and surface water drainage scheme (Conditions 3, 4, 6, 11 & 17 of H14-0117-22) - approved 23 February 2024

H14-0252-24: (Discharge of Conditions) Details of landscaping & tree planting, hedge planting, publicly accessible open space & foul water drainage scheme (Conditions 12, 13, 14, & 18 of H14-0117-22) - approved 16 May 2024

H14-0325-24: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 9 of H14-0117-22) - approved 16 May 2024

Consultation Responses

Lincolnshire County Council - Highways and SUDS: No objections. The details of 1.8-metre-wide footway, to connect the development to the existing footway network (Condition 5 of H14-0117-22) are acceptable in accordance with approved drawings and details submitted with this application.

No public consultation has been undertaken such as the distribution of letters to neighbouring properties or the display of a site notice as this is not required. Nonetheless, a public representation has been received. Within the response concerns are raised with the proposed narrowing of the existing carriageway to 7.3m due to safety concerns with vehicles not having enough room to pass one another.

Key Planning Considerations

Condition 5 reads as follows:

"The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, has been provided 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.

Reason: 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. This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019."

As set out above, Lincolnshire County Council's Highways Team have set out that the details of the 1.8-metre-wide footway to connect the development to the existing footway network are acceptable. As such, the condition 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 5 of H14-0117-22.

Recommendation

Discharge condition 5.