DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0207-26**	**Applicant:**	**The Harris Partnership**
Proposal:	Details of construction management (Condition 3 of H16-0079-25)		
Location:	Land Off Fulney Lane North Spalding Lincolnshire		
Terminal Date:	28th April 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 3 of H16-0079-25, which granted full planning permission for the erection of two drive-through units within the site with associated parking and landscaping. Condition 3 requires the submission and approval of details relating to the construction management of the development.

Site Description

The site comprises an irregularly shaped parcel of land, located to the west of the A16 and the south of the A151. The site is located to the south of a tyre shop, and to the north of a factory building (David Wood Baking). The nearest residential dwellings to the site are located to the west of the site, on the opposite site of Fulney Lane North.

The site is outside the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The nearest part of the settlement boundary to the site is located on the opposite side of the Coronation Channel, approximately 150m to the west of the site. There are large areas of development outside the settlement boundary on the eastern side of Spalding. Most of the areas are designated within the Local Plan for development, including the application site, which is identified as an 'Established Employment Area' (Site SP003) by Policy 7 of the Local Plan.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

There is a Public Right of Way that runs through the site, along the northern and eastern edges of the site.

Relevant Planning History

H16-1220-01: (Full Application) Extension to existing factory to create engineers workshop - approved 23 November 2001

H16-0730-09: (Full Application) New entrance reception/security lobby including improvements - approved 03 November 2009

H16-1185-18: (Full Application) Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access - approved 23 January 2019

H16-0630-19: (Full Application) Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access - approved 21 August 2019

H16-0079-25: (Full Application) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - approved 08 August 2025

H16-0173-26: (Discharge of Conditions) Details of biodiversity gain plan, flood warning and evacuation plan (Conditions 7 and 10 of H16-0079-25) - approved 08 April 2026

H16-0183-26: (Advertisement) Proposed Signage - pending determination

H16-0235-26: (Discharge of Conditions) Details of surface water disposal (Condition 12 of H16-0079-25) - pending determination

Consultation

Lincolnshire County Council - Highways and SUDS:

First Response (17 March 2026): The Construction Management Plan should include a written statement including everything contained within the condition. Please ensure the following is detailed:
-The temporary bridleway should be maintained to a minimum width of 2.5m.
-Care should be taken to ensure that the alternative in the north-east corner (adjacent to the traffic island) is level and convenient for path users.
-The section of temporary bridleway alongside the access road should be segregated to prevent unintentional vehicle over-run.
-The Plan indicates that the site cabins will be in the public highway - this is not permitted.

Second Response (31 March 2026): The details submitted to discharge condition 3 attached to H16-0079-25 are acceptable in accordance with approved drawing CMP Rev 2 dated 27-03/26.

Environmental Protection: The Construction management plan is satisfactory.

Key Planning Considerations

Condition 3 set out the following:

"Prior to the commencement of development hereby permitted, 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. 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 Fulney Lane North and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

During the determination of the application, amended versions of the submitted documents have been provided to address feedback from Lincolnshire County Council's highways team. The team have confirmed that the revised details are acceptable. The submitted details set out how construction vehicles will be managed around the site. The submitted information also shows where construction vehicles will be parked and where temporary site cabins will be positioned during the construction period of the development. It is considered that the information satisfactorily addresses the requirements of the condition.

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 3 of permission H16-0079-25.

Recommendation

Discharge condition 3.