DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0225-25**	**Applicant:**	**Seagate Homes Ltd.**
Proposal:	Details of precautions to be taken to prevent the deposit of mud on public highways (Condition 29 of H16-0136-23)		
Location:	Ivanda Nursery Monks House Lane Spalding		
Terminal Date:	26th May 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

03 Design of New Development

National Guidance

National Planning Policy Framework December 2024

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 approval of the details in respect of Condition 29 of planning permission H16-0136-25. Condition 29 requires the provision of a strategy for the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during the construction phase of the development.

Site Description

The site relates to a former nursery located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings, including the demolition of the existing glasshouses.

History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.
H16-0885-24: Details of Archaeological Mitigation Strategy :Approved 07.11.2024.
H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents. Approved 08.04.2025.
H16-0220-25:Details of external materials of construction of buildings and hard surfaced areas. Approved 08.04.2025.
H16-0222-35: Details of foul water disposal and surface water disposal.: Approved 23.04.2025

Consultation Responses

Highway and Lead Local Flood Authority: 24th March 2025

No wheel washing included on the plan, this needs to be in accordance with the CMP.

Highway and Lead Local Flood Authority: 8th May 2025

The details submitted to discharge Condition 29 are acceptable.

Planning Considerations

Condition 29 Wording

The development hereby permitted shall be undertaken in accordance with a strategy relating to precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development which shall first be approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities and shall be made available before commencement of the construction of the development and be kept available and in full working order until completion of the development.

The reason for the condition is:

In the interests of highway safety during the construction process. 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 Policy 3 of the South East Lincolnshire Local Plan, 2019.

Condition 29 Detail

The Construction Method Statement advises wheel wash provision will be by means of a commercial hose pipe/pressure washer when ground is wet and/or uncontrollable mud potential. The Statement further advises the developer will endeavour to keep clean the public highway by means of a regular road sweep and wheel wash as necessary to minimise any dirt on roads.

The highway authority are satisfied with the submitted details and requested that the submitted plan was amended to include the wheel wash facility. A revised plan has been submitted and the highway authority has confirmed its acceptability.

Representations

One letter of representation has been received which states that due to the proximity of neighbouring schools and pedestrians, the hours of deliveries to the site should be restricted.

Other Matters

Whilst the concerns of the local resident are acknowledged, this application seeks approval of details relating to precautions to prevent the deposit of mud on the road. Matters relating to the impact of the development on nearby amenity were considered in assessing the planning merits of the development.

Conclusion

The submitted details are considered acceptable.

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.

Recommendation

Condition 29 of application H16-0136-23 is discharged.