DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0226-25**	**Applicant:**	**Seagate Homes**
Proposal:	Details of Estate Road Phasing & Completion Plan (Condition 30 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

36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 9: Promoting Sustainable Transport.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval of the details in respect of Condition 30 of planning permission H16-0136-23. Condition 30 requires the development to be carried out in accordance with the Estate Road Phasing and Completion Plan which has first been submitted to and approved in writing by the local planning authority.

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 (Condition 05 of H16-0136-23) :Approved 07.11.2024.

H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents (Condition 27 of H16-0136-23). Approved 08.04.2025.

H16-0220-25: Details of external materials of construction of buildings and hard surfaced areas (Condition 09 of H16-0136-23). Approved 08.04.2025.

H16-0222-25: Details of foul water disposal and surface water disposal (Condition 17 and 18 of H16-0136-23). Approved 23.04.2025.

Consultation Responses

Highways and Lead Local Flood Authority: 26th March 2025

This will be approved once the Section 38 Agreement has technical approval. The only thing holding up approval is IDB consent.

Highway and Lead Local Flood Authority: 13th May 2025

No objections.

Planning Considerations

Condition 30 Wording

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

The reason for the condition is:

To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

Condition 30 Detail

The highway authority initially advised that the discharge of the condition would be approved on completion of the Section 38 Agreement which was awaiting consent from the Internal Drainage Board.

In response the agent confirmed they will be pursuing the S38 Agreement once a fee is paid to the Welland and Deeping IDB, which was scheduled for the end of April.

However, the highway authority were advised that the terms of Condition 30 do not require agreement from the IDB, moreover, it is not possible for the application to be held in abeyance until the S38 Agreement has been completed as this does not fall within the legislative framework on the planning system.

In response the highway authority advised there was no objection to the discharge of Condition 30.

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 30 of application reference H16-0136-23 is discharged.