

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0583-26 **Applicant:** Seagate Homes Ltd.

Proposal: Details of estate road and associated footways to be constructed to finished surface levels (Condition 31 of H16-0136-23)

Location: Ivanda Nursery Monks House Lane Spalding

Terminal Date: 13th August 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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 to discharge condition 31 of planning permission H16-0136-23.

Permission H16-0136-23 granted full planning permission on 25 September 2024 for 70 dwellings, including the demolition of glasshouses that were previously within the site.

Condition 31 requires details of the finished surface levels of the estate road and associated

footways within the site to be submitted and approved by the Local Planning Authority (LPA).

Site Description

The application site comprise a former nurseery located within the settlement boundary of Spalding, on the western side of the town. There is residential development to the north, east and south of the site. The Edward Drain forms the boundary of the southern part of the site.

Relevant Planning History

H16-0098-94: (Full Application) Proposed extension to dwelling - approved 08 March 1994

H16-0035-24: (Section 73 Application) Retention of Dwelling without Complying with Agricultural Habitation Clause - Condition 1 of SU159-68 - approved 01 March 2024

H16-0136-23: (Full Application) Proposed residential development of 70 dwellings, including demolition of existing glasshouses - approved 25 September 2024

H16-0885-24: (Discharge of Conditions) Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23) - approved 07 November 2024

H16-0885-24: (Discharge of Conditions) Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23) - approved 07 November 2024

H16-0277-25: (Discharge of Conditions) Details of gas/electricity external boxes, gas flues and soil vents (Condition 27 of H16-0136-23) - approved 08 April 2025

H16-0220-25: (Discharge of Conditions) Details of external materials of construction of buildings and hard surfaced areas (Condition 09 of H16-0136-23) - approved 08 April 2025

H16-0222-25: (Discharge of Conditions) Details of foul water disposal and surface water disposal (Condition 17 and 18 of H16-0136-23) - approved 23 April 2025

H16-0226-25: (Discharge of Conditions) Details of estate road phasing and completion plan (Condition 30 of H16-0136-23) - approved 16 May 2025

H16-0221-25: (Discharge of Conditions) Details of landscaping & tree planting (Condition 11 of H16-0136-23) - approved 20 May 2025

H16-0224-25: (Discharge of Conditions) Details of areas of publicly accessible open space, management & maintenance schedule for the areas of landscaping, in line with the Biodiversity Metric 4 calculations & cycle rack (Conditions 24, 25 & 26 of H16-0136-23) - approved 20 May 2025

H16-0225-25: (Discharge of Conditions) Details of precautions to be taken to prevent the deposit of mud on public highways (Condition 29 of H16-0136-23) - approved 20 May 2025

H16-0278-25: (Discharge of Conditions) Details of scheme to deal with contamination of land or pollution of controlled waters (Condition 15 of H16-0136-23) - approved 23 May 2025

H16-0223-25: (Discharge of Conditions) Details of Construction Management Plan & Method Statement (Condition 19 of H16-0136-23) - approved 23 May 2025

H16-0227-25: (Discharge of Conditions) Details of site levels & proposed floor levels, hard surfaced areas & amenity areas & boundary treatments (Conditions 4 & 10 of H16-0136-23) - approved 23 May 2025

Consultation

Lincolnshire County Council - Highways and SUDS: The highway authority has issued technical approval for the adoptable roads and footways within this development, which has now met the requirements of Key Stage 5 of the Section 38 process, and therefore does not wish to object to the grant of Consent for this Application.

Key Planning Considerations

Condition 31 sets out the following:

"Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019."

As set out above, Lincolnshire County Council's highways team have raised no objections to the application. The team have confirmed that the highway authority has issued technical approval for the adoptable roads and footways within this development, which has now met the requirements of Key Stage 5 of the Section 38 process. It is considered that the submitted plan contains sufficient detail to meet the requirements of the condition. As such, condition 31 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 31 of planning permission H16-0136-23.

Recommendation

Discharge condition 31.