

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H15-0335-25      **Applicant:** Crossroads Nurseries

**Proposal:** Details of topographical survey, schedule of external materials, scheme of landscaping & tree planting, Construction Management Plan & Method Statement, arrangements for waste collection points or private refuse/recycling collection, a scheme of on-site foul water drainage works, details of cycle storage, finished surfaces for estate road & footways, surface water drainage scheme, BNG Plan to demonstrate a net gain in biodiversity on-site and design & position of external meter boxes, gas flues & soil vent pipes (Conditions 3, 5, 8, 13, 14, 15, 16, 18, 19, 20 and 21 of H15-1095-23)

**Location:** Land Off Main Road Quadring Spalding

**Terminal Date:** 26th May 2025

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**Planning Policies****South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework December 2024****Representations:**

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

This application seeks to discharge Conditions 3, 5, 8, 13, 14, 15, 16, 18, 19, 20 and 21 of H15-1095-23, relating to:

- topographical survey,
- schedule of external materials,
- scheme of landscaping & tree planting,
- Construction Management Plan & Method Statement,
- arrangements for waste collection points or private refuse/recycling collection,
- a scheme of on-site foul water drainage works, details of cycle storage,
- finished surfaces for estate road & footways, surface water drainage scheme,
- BNG Plan to demonstrate a net gain in biodiversity on-site
- design and position of external meter boxes, gas flues & soil vent pipes

### **Site Description**

The site is within the settlement boundaries of Quadring, as outlined within the South East Lincolnshire Local Plan, 2019. The site is 0.48ha in size, the majority of which was occupied by glasshouses, now redundant. The area covered by glasshouses is 4197 square metres. This site is part of the former Crossroads Nurseries accessed from Main Road to the south-west. The majority of the site lies behind properties on Main Road and Water Gate. Virtually all of this site is covered in hardstanding and glasshouses. Adjacent is a retained yard with access on to Water Gate, in control of the applicant, outside of the red line boundary of this application.

### **Relevant History**

#### **History**

*Includes some applications as part of the wider site with different site areas/boundaries*

H15-1207-18 - Outline - Crossroads Nurseries. Residential Development - up to 60 dwellings - Granted 19th September 2019.

H15-0942-20 - Reserved Matters - Residential Development of 9 dwellings - Phase 1 (Outline approval H15-1207-18) - Granted 18 January 2021.

H15-0538-21 - Modification of 106 Agreement relating to adjustment (deferral) of affordable housing, education contribution and health care facilities contribution (H15-1207-18) - 106 - Approved 22 December 2021

H15-0726-21 - Conditions 4, 9, 10, 11, 12, 14, 15, 18 & 19 of H15-1207-18 - Discharge of Conditions - Approved 15 October 2021

H15-0014-22 - Full - Erection of 59 dwellings & associated works - Granted 1 September 2022.

H15-0894-22 - Discharge of Conditions - Conditions 3, 5, 10, 11 & 13 of H15-0014-22 - Approved 16 January 2023

H15-1095-23 - Full - Proposed residential development comprising 14 dwellings - Approved 23 July 2024

H15-0022-24 - Modification of 106 agreement in relation removing affordable housing, education and health contributions (planning approval H15-0014-22) - Approved 22 March 2024.

H15-0147-24 - Discharge of Conditions - Conditions 3, 5, 10, 11 & 13 of H15-0014-22- Withdrawn

### **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

## Environmental Protection

"no comments"

## Welland and Deepings Internal Drainage Board

"I am still content that the proposals offer considerable betterment in relation to impermeable areas and surface water provisions than the existing scenario for this site. An application for consent to discharge surface water will need to be made to the Board prior to any works commencing on site and will be subject to the agreement of technical details and payment of the £50 application fee. The proposed culverting and infilling of the dyke as detailed on submitted drawing: 12777-WMS-ZZ-XX-D-C-39201- S3-P2, dated 27th April 2025, prepared by William Saunders consulting engineers is agreeable in principle with the Board but requires the submission of an application for consent to alter a watercourse prior to commencing works on the culverting of the drain. This consent is subject to the agreement of technical details.

I note that surface water provisions currently involve new pipework to be connected into the proposed culvert pipework as also detailed on submitted drawing: 12777-WMS-ZZ-XX-D-C-39201- S3-P2. If at any point in the future the outfall for the surface water is proposed to discharge to a different location then I would wish to be reconsulted at that time.

I recommend consulting the Lincolnshire County Council as early as possible in their role as the Lead Local Flood Authority as they will need to approve the surface water provisions proposed for the site as well."

## Highway and Lead Local Flood Authority

*Initial comments, received 30th April 2025:*

Request additional information:

"I am happy to discharge conditions 14 and 16. Condition 18 cannot be discharged until the surface course has been applied to the road. I am waiting on comments from our delivery team in respect of the CMP for condition 13 and condition 19 for the drainage"

## Additional Response, received 12th May 2025

"I am happy to discharge conditions 13, 14, 16, 18 & 19 in accordance with the details submitted under this consultation."

## Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 1 letter of representation has been received.

This can be summarised as:

- Concerns "blue line" is incorrect
- Concern regarding boundary treatments to the rear of Number 2 and 4 - requests assurances the conifer will be protected

## **Key Planning Considerations**

### Condition 3

Condition 3 relates to the submission of a topographical survey, showing the final site levels in relation to the surrounding land. The condition reads as follows:

"Notwithstanding the submitted Topographical Survey, prior to above ground work being carried out, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwellings and details of the height and relative position of proposed boundary treatments to the dwellings in relation to existing development fronting Main Road, and development to the north west of the site, shall be submitted to and approved in writing by the Local Planning Authority."

The proposed details are considered to be acceptable. The levels are comparable to those on the adjacent site, and therefore, would not result in a material character or amenity impact, whilst still according with the requirements to raise floor levels found in Condition 4. The details provided therefore are considered to be acceptable.

#### Condition 5

Condition 5 reads as follows:

"Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved."

It is proposed that Plots 1-7, 9 and 12 would be constructed of Hampton Rural Blend bricks. All other plots would be Belgravia Gault Blend. Plots 1-4, 9, 11 and 12 would feature Calderdale Slate Grey roof tiles, with all other plots featuring Double Pantile Rustic tiles. All windows would be white UPVC. Front doors would be black, anthracite or dark blue. All rainwater good would be black UPVC.

The submitted details are considered acceptable. A sufficient mix of materials has been selected and the selection reflects the existing character of the area. As such, Condition 4 can be discharged.

#### Condition 8

Condition 8 reads:

"Before the above ground work of the development hereby permitted beyond oversite takes place, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary."

The submitted scheme of landscaping is considered acceptable, being proportionate to needs and reflective of the overall design of the site. Condition 8 can be discharged.

#### Condition 13

Condition 13 requires a construction management plan to be submitted to and approved in writing by the LPA. It reads as follows:

"The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority prior to work taking place.

These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

- the phasing of the development to include access construction;

- the on-site parking and unloading of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities including details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material; and
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction."

The submitted plan is proportionate to the development proposed. The Highway Authority and Environmental Protection Department have raised no objection to the proposal. As such, the details are considered appropriate.

#### Condition 14

Condition 14 states:

"Prior to the occupation of any dwelling, full details of the arrangement for waste collection points or private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development."

Waste is to be stored in the designated areas, before being moved to the adoptable highway turning head when required. This arrangement is considered to be acceptable given the scale and constraints of the site. Condition 14 can be discharged.

#### Condition 15

Condition 15 reads:

"Before the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

Foul drainage is to connect into an Anglian Water sewer. As the sewerage provider for the area, Anglian Water are obliged to accept the additional waste. Therefore, the submitted details are considered acceptable.

#### Condition 16

This condition concerns cycle racks. It states:

"Before the occupation of any dwellings, details of the cycle storage (either wall mounted racks, Sheffield stands or similar) for each dwelling that does not have a garage (Plots 1, 3, 4, 5, 6 and 7), shall be provided in positions which shall be approved in writing by the Local Planning Authority."

Drawing reference CRN/p3/02 revB states that "Plots 1, 3, 4, 5-7 to have secure cycle storage installed to rear of property behind lockable gates". This arrangement is considered appropriate, reducing clutter to the front of dwellings while still achieving the aims of the condition. Condition 16 can be discharged.

#### Condition 18

Condition 18 reads:

"Prior to the occupation of the penultimate dwelling, 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 surfaces in accordance with the details to be submitted to, and approved in writing by the Local Planning Authority."

The Highway Authority have indicated that they are satisfied with the details provided. As such, it is considered that Condition 18 can be discharged.

#### Condition 19

Condition 19 reads as follows:

"Unless the Local Planning Authority dispenses with these requirements in writing, the development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for a storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to Brownfield Run off rate;
- provide details of the timetable for and any phasing of implementation for the drainage scheme;
- and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwellings/no part of the development shall be occupied until the approved drainage scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details."

The submitted drainage scheme is considered to be acceptable. Surface and roof water is to be disposed of via soakaways and into private drains. The Lead Local Flood Authority has raised no objection to the proposal. Condition 19 can be discharged.

#### Condition 20

Condition 20 reads as follows:

"Prior to above ground work being undertaken beyond oversite, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for 30 years unless an alternative time period is agreed."

This condition was imposed under the provisions of Policy 28 of the SELLP, and was imposed prior to the introduction of the statutory "biodiversity net gain condition" via the Environment Act, 2021. As such, under the provisions of Policy 28, the proposal simply needs to demonstrate a net gain, rather than a specific level.

As the site is currently primarily hard surfaced, the proposal would provide the necessary net gain in accordance with Policy 28. The details provided are therefore considered acceptable and Condition 20 can be discharged.

#### Condition 21

Condition 21 states:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved."

The details provided are considered acceptable. Meter boxes are appropriately positioned to minimise their impact and ensure a consistent design approach. Condition 21 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**

Taking these factors into consideration, the details provided are considered acceptable and Conditions 3, 5, 8, 13, 14, 15, 16, 18, 19, 20 and 21 of H15-1095-23 can be discharged.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.