DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0238-25**	**Applicant:**	**Scenic Homes Ltd**
Proposal:	Details of proposed boundary treatments, foul and surface water disposal, archaeological investigation, archaeological work, archaeological final report and construction management (Conditions 5, 6, 8, 9, 10 and 13 of H16-0279-24)		
Location:	Land To South Of 199 Cradge Bank Spalding Lincolnshire		
Terminal Date:	30th April 2025		

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 5, 6, 8, 9, 10 and 13 of H16-0279-24, relating to Details of proposed boundary treatments, foul and surface water disposal, archaeological investigation, archaeological work, archaeological final report and construction management.

Site Description

The site is 0.22 hectare irregular shaped plot on the western side of Cradge Bank within the settlement boundary of Spalding.

This site was part of a wider development site which is under construction at the rear. Residential properties exist to the north, including the nearest residential property, 199 Cradge Bank.

The site comprises part of a former nursery site set between the B1172 Spalding Common and Cradge Bank. The nursery site (Millfield's Nurseries) had an area of approximately 4.66ha. The site was largely covered in glasshouses. The present application site is located in the north-eastern corner of the former nursery site. To the north of the site are two detached dwellings set on the western side of Cradge Bank (197 & 199 Cradge Bank). 199 Cradge Bank has habitable room windows to a relatively modest lounge on the flank, and a front bay window to the front and rear conservatory overlooking a rear amenity area. This property is set at a lower level than the development site behind, and from the flank habitable room window, the adjoining development's finished floor level is at the same height as the bottom of the ground floor window and the dividing boundary fence. This and the adjoining 197 Cradge Bank are modern detached properties dating from the 1980's.

The overall nursery site, including the present application site, comprises a residential allocation within the South-East Lincolnshire Local Plan (allocation ref: Stm004). The site falls within the defined settlement boundary for Spalding and Pinchbeck.

History

Wider Development Site

H16-0668-16 - Outline. Residential development up to 135 dwellings. Approved 13.3.18.

H16-0984-19 - Reserved Matters. Residential development - comprising 40 dwelling. 100% affordable dwellings. Approved 13.02.2020.

H16-0543-21 - Condition Compliance. Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16). Approved 2.06.21.

H16-0021-21 - Residential development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 16.7.2021.

H16-0225-21 - Condition Compliance. Details of contamination report, boundary & landscaping, public open space, landscape management & maintenance plan, refuse & recycling storage, external boxes, flues etc, cycle storage, construction management, road construction specification, road levels, surface water & foul water schemes and existing & proposed site levels (Conditions 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 19 of H16-0668-16). Approved 02.09.21.

H16-1070-20 - Reserved Matters. Erection of 95 Dwellings - outline approval H16-0668-16. Approved 03.09.21.

H16-0107-21 - Residential development -approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment Submitted). Approved 4.10.2021.

H16-0551-22 - Residential Development - approved under H16-0107-21. Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75-76). Approved 24.8.2022.

Current development Site Under Consideration

H16-0673-22 - Outline - Residential development. Approved 22.12.2022

H16-0279-24 - Full. Residential development comprising 7 dwellings. Approved 21.06.2024

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:

Historic Environment Officer

"Due to the area's archaeological sensitivity, a previous outline application H16-0673-22 was granted planning consent with conditions (12, 13 and 14) requiring an archaeological scheme of works. After completion of the archaeological trench evaluation, a scheme of limited archaeological mitigation was agreed with the original developer within the current development area. A programme of archaeological preservation in situ, facilitated by a site built-up and involving piling for house foundations only. The new development H16-0279-24 has adhered to the same mitigation strategy of ground built-up and the exclusive use of piling for house foundations as previously agreed. As a result, we are in a position to recommend discharge in full of Condition 8, 9, 10 and of H16-0279-24"

Highway and Lead Local Flood Authority

"Details of proposed boundary treatments, foul and surface water disposal, archaeological investigation, archaeological work, archaeological final report and construction management (Conditions 5, 6, 8, 9, 10 and 13 of H16-0279-24) - H16-0279-24 was granted approval without a final response from Lincolnshire County Council Highways Authority therefore the informatives regarding new access points onto the highway and permitting for connections into the highway/works within the highway are missing from the decision notice. They are detailed below for information for the applicant.

In respect of condition 5 boundary treatments - these details are acceptable in respect of the safety of the users of the public highway."

Environmental Protection

"Use of noisy equipment such as power tools, heavy tracked machinery and high impact devices should be restricted to the times of 7:30-18:00 Monday to Friday, and 07:30-13:00 Saturday to protect amenity of nearby properties"

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, no letters of representation have been received.

Key Planning Considerations

Condition 5 - Boundary Treatments

Condition 5 states:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.
Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place."

The details submitted here shows a 600mm high timber knee rail along the side boundaries to the front of each dwelling. Along the north and south boundaries between Plots 2 to 6, a 1830mm timber featherboard fence is proposed. This rises to 2000mm along the rear boundaries of each plot, and the southern boundary of Plot 7. Along the northernmost boundary between Plot 1 and 199 Cradge Bank a 2450mm treatment, comprised of 300mm of gravel boards, 1700mm of timber fence and 450mm of trellis, is proposed.

The rear boundary treatments are considered appropriate to maintain residential amenity without causing undue harm to the character of the area. The ground level along this boundary is raised, so that it is no more than 200mm below the finished floor level of each dwelling. As such, this 2000mm boundary fence essentially functions as a 1800mm fence, which is a standard arrangement suitable to preserve amenity. In between plots, where ground level is broadly consistent, a 1850mm would also be able to preserve residential amenity and prevent intrusive views, particularly given that only

obscure glazed windows are proposed on the side elevations of the dwellings.

199 Cradge Bank sits on lower ground than the development approved H16-0279-24, hence the need for raised boundary treatments. The 2450mm treatment is considered to strike a reasonable balance between amenity and aesthetic considerations, obscuring the majority of views without harming the character of the area. No ground level side elevation windows are proposed within Plot 1, thereby reducing the risk of overlooking.

On this basis, it is considered that the proposed boundary treatments are considered acceptable.

Condition 6 - Drainage

Condition 6 states:

"Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems."

It is proposed that surface water is disposed of via soakaways, which lead to an existing connecting drain at the rear of Plot 3. This connects onto the larger estate drainage system approved under H16-1070-20. Considering the scale of the development, this proposal is considered acceptable.

Similarly, it is proposed that foul water drainage would connect onto the foul water system of the development approved under H16-1070-20 to the south of Plot 7 and to the west of Plot 2. This again is considered appropriate to prevent the creation of excessive new drainage systems.

As such, the proposed drainage system is considered appropriate.

Conditions 8 - Written Scheme of Investigation

Condition 8 states:

"No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme."

The relevant consultee from the Lincolnshire County Council Historic Environment Department has indicated that the scheme is acceptable and has recommended the discharge of Condition 8.

Condition 9 - Notification of works

Condition 9 states:

"The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 8 above, or details associated with previous archaeological work that is relevant to this site and application, in order to facilitate adequate monitoring arrangements."

Under the wording of this condition, there is no requirement to submit anything to the Local Planning Authority. Accordingly, this condition cannot be discharged in the conventional sense. However, the Historic Environment Department has acknowledged receipt of the relevant information and are

satisfied with it.

Condition 10 - Archiving of Material

Condition 10 states:

"A copy of the final report required in connection with Condition 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook."

This report has been received and acknowledged. The relevant consultee has indicated that they are satisfied with the report and has recommended the discharge of the condition.

Condition 13 - Construction Management Plan

Condition 13 states:

"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 before the development commences and 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 Cradge Bank and residential amenity."

Given the scale of the development, the submitted management plan appears to be acceptable. Measures to reduce noise disturbance and to reduce impact on the local highway have been provide, and are considered proportionate to the development. It is considered that should these steps be followed; the impacts of development shall be suitably mitigated.

The Construction Management Plan states: "Working Hours will be 07:00 - 18:00 Monday to Friday and 07:00 to 14:00 Saturdays. No machinery or power tools shall be operated on the premises on Sundays, Bank or Public Holidays". These hours do not align with those requested by Environmental Protection, beginning 30 minutes earlier on all days and finishing 1 hour later on Saturdays than requested. However, the difference is so minimal as to not significantly detrimentally impact neighbours.

As such, the details are considered to achieve the aims of Condition 13.

Outstanding Matters from Representation

The Highway Authority have requested informative conditions be placed on any decision notice. Due to the nature of this application, it would be inappropriate for further informative conditions to be placed on any decision notice. Accordingly, despite the request from the Highway Authority, these conditions should not be placed upon this decision notice.

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 submitted details are considered to suitably achieve the aims of conditions 5, 6, 8, 9, 10 and 13 of H16-0279-24.

Recommendation

Based on the assessment detailed above, it is recommended that the details should be approved under Delegated Authority and the conditions listed above be discharged.