

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0361-24 **Applicant:** Seagate Homes (UK) Ltd.

Proposal: Details of final report relating to archaeology (Condition 22 of H16-0668-16)

Location: Millfield Nursery Spalding Common Spalding

Terminal Date: 14th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HISTORIC ENVIRONMENT OFFICER	0	0	0	2
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance at Millfield Nursery, Spalding Common for details of final report relating to archaeology (Condition 22 of H16-0668-16).

An Amendment was submitted to supply the formal written versions of the previously submitted reports.

SITE DESCRIPTION

The site is within a Housing Commitment area named Stm004 on the mapping of South East Lincolnshire Local Plan (2019). The surrounding area is predominately rural, characterised by linear development and has a care home to the south-east with dwellings to the north.

The northern part of the site is in Environment Agency Flood Zone 2, with the southern part of the site in Flood Zone 3. The site is predominately in a "Danger for Most" hazard area under the 2115 South Holland Strategic Flood Risk Mapping. The south-east corner of the site is in a "Danger for All" hazard area, with the maximum predicted flood depth of 1 metre for the majority of the site and 2 metres to the south-eastern corner.

RELEVANT HISTORY

H16-0668-16

Full - Residential development - Approved - 13 March 2018.

H16-0984-19

Reserved Matters - Residential development - comprising 40 dwellings - outline approved H16-0668-16 - Approved - 13 February 2020.

H16-1070-20

Reserved Matters - Erection of 95 Dwellings - outline approval H16-0668-16 - Approved - 03 September 2021.

H16-0021-21

Section 73 Modification - Residential Development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans - Approved - 16 July 2021.

H16-0107-21

Section 73 Modification - Residential Development - approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted) - Approved - 04 October 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 September 2021.

H16-0543-21

Condition Compliance - Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16) - Approved - 02 June 2021.

H16-0052-22

Condition Compliance - Details relating to construction management plan (Condition 12 of H16-0668-16) - Approved - 14 March 2022.

H16-0551-22

Section 73 Modification - 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 August 2022.

H16-1124-22

Modified Agreement - Modification of 106 Agreement relating to mortgagee in possession clause wording - approved under H16-0668-16 - Currently undetermined.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 23rd April 2024 and 15th May 2024)

Lincolnshire County Council - Historic Environment Officer - 14th May 2024

"Thank you for consulting me on this. The archaeological contractor sent drafts of the submitted reports to this office and edits where requested. The submitted archaeological reports are the unedited versions and do not meet the required standards, therefore I cannot recommend discharge of condition 22."

Responses Received following Re-consultation (Consultation period between 22nd May 2024 and 1st June 2024)

Lincolnshire County Council - Historic Environment Officer - 3rd June 2024

"Thank you for consulting us on this. The submitted archaeological reports are the edited versions and meet the required standards. Therefore, I recommend the discharge of condition 22. Please note that the contents of the reports meet the requirements. However, the portal should have colour and high-resolution versions of the reports. Please send digital copies of the final reports to the Lincolnshire County Council Historic Environmental Record at lincssmr@lincolnshire.gov.uk."

PLANNING CONSIDERATIONS

Compliance with Condition 22 of H16-0668-16 - Archiving of Final Archaeological Report

Condition 22 of H16-0668-16 states:

"A copy of the final report required in connection with Condition 20 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.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012."

The Historic Environment Officer has no objections to the submitted report and requests that the version submitted for archiving is high resolution and in colour.

Condition 22 of H16-0668-16 is considered to have been addressed.

CONCLUSION

Condition 22 of H16-0668-16 concerning the archiving of the Final Archaeological Report is considered to have been addressed, and is ready for discharge.

RECOMMENDATION

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

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.