

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0714-25 **Applicant:** Scenic Homes Ltd.

Proposal: Details of landscaping & tree planting, contamination & BNG (Conditions 7, 11 & 16 of H16-0279-24)

Location: Land To South Of 199 Cradge Bank Spalding

Terminal Date: 16th September 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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This proposal seeks to discharge conditions 7, 11 and 16 of H16-0279-24, relating to landscaping and tree planting, contamination and biodiversity net gain.

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 - S73. 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 - S73. 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

H16-0238-25 - Condition Compliance. 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). Approved 25/04/2025

H16-0476-25 - Condition Compliance. Details of external materials of construction of buildings & hard surfaced areas (Condition 4 of H16-0279-24). Approved 12/06/2025

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

"I have reviewed MEC Environmental Ltd, Phase 1- Preliminary Risk Assessment, Document Ref: MEC_2025_D0028, Dated 17th June 2025 and MEC Environmental Ltd, Phase 2- Interpretative

Report Incl. Remediation and Verification Plan, Document Ref: MEC_2025_D0028_P2 EIR, Dated 21st July 2025. I am in general agreement with the findings of these documents. I therefore can recommend that condition 11 is discharged"

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 7 - Landscaping

Wording

"Before the commencement of the development hereby permitted beyond oversight, 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."

Assessment

The details provided show that 7 birch trees (all located to the rear of dwellings) and 6 cherry trees (located to the front of the dwellings) are proposed alongside frontage hedging trimmed to between 45cm and 60cm in height.

While relatively basic, the proposed landscaping is considered acceptable given the site constraints and residential use proposed. The proposed landscaping provides a pleasant addition to the site, and its typicality would ensure it is immediately accepted into the overall design of the development.

Condition 7 did require the submission of biodiversity metric in order to demonstrate net gain. This has not been provided. Despite this, the proposal would clearly provide a net gain, given the pre-development onsite conditions, and therefore, it would be excessive to require the submission of further documentation to evidenced what has already been demonstrated.

Condition 11 - Pollution

Wording

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

- i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
- iii) Thereafter, a written method statement detailing the remediation strategy for land contamination

and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA."

Assessment

The submitted reports show suitable remediation of the identified contaminated land. The relevant consultee from the Environmental Protection department has indicated their agreement with the findings of the submitted reports. On this basis, it is considered that condition 11 can be discharged.

Condition 16 - Biodiversity Net Gain Plan

Wording

"Prior to above ground work being undertaken beyond oversight, 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.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species."

Assessment

It should be noted that the original application (H16-0279-24) was submitted prior to mandatory requirements for Biodiversity Net Gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). To this end, the proposal would simply need to demonstrate a net gain in accordance with the provisions of Policy 28 of the SELLP, which does not specify a level of net gain.

The submitted information shows two swift bricks and one bat box per dwelling. When these measures are combined with the landscaping scheme detailed above, there is a clear net gain on the site.

The submitted Biodiversity Net Gain and Management Plan states the following:

"All proposed habitat and landscaping identified as being supportive of biodiversity enhancement will be protected by a legal covenant to the home owners which requires them to maintain those elements for the anticipated lifetime of the dwelling."

Whilst limited in detail, the proposed arrangement is considered acceptable. Given the residential use of the site, requiring additional reporting and maintenance beyond what could be reasonably expected at a residential dwelling would be disproportionate and detrimental to the overall scheme. A covenant between the developer and the home owner is an appropriate route to secure the gains, without creating overly onerous requirements for owners or the LPA.

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 provided are considered acceptable and conditions 7, 11 and 16 can be discharged.

Recommendation

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