

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 16 July 2025

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H16-0767-23

Application Number: H16-0767-23

Date Received: 25 August 2023

Application Type: FULL

Description: Demolition of vacant former public house and erection of 86 bed care home including onsite parking amenity space and associated works

Location: Former Bull And Monkie Church Gate Spalding

Applicant: Crispen Holdings Ltd

Agent: RDT Architects Ltd.

Ward: Spalding St Marys

Ward Councillors: Cllr M E Le Sage
Cllr D R Ashby

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0767-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 Due to the scale of the scheme and the level of public interest. Additionally, the proposal gives rise to elements which are considered to conflict with policy included within the South East Lincolnshire Local Plan (2019) (SELLP) and thus warrants committee consideration. Moreover, the application was deferred by the Planning Committee in May 2024, pending design alterations.

2.0 PROPOSAL

- 2.1 This planning application is for the demolition of the vacant former Bull and Monkie public house, and the erection of an 86 bed care home including onsite parking amenity space and associated works.

3.0 SITE DESCRIPTION

- 3.1 The Bull and Monkie is a derelict mid-c20th former public house, situated on a large plot which is mostly covered in hard standing.
- 3.2 The proposal site is situated in an extremely prominent position within the Spalding Conservation Area, along the riverfront in the centre of town, in close proximity to a number of listed buildings, including the grade I listed St Mary and St Nicholas Church, which is situated to the rear of the site.
- 3.3 Due to the prominence of the setting, it forms a key element of Spalding town centre, and features within prominent and important views of heritage assets such as the Church and the remainder of both sides of the riverfront, including the also Grade I listed Ayscoughfee Hall,

which is the neighbouring property to the South along Church Gate.

- 3.4 It is therefore possible to assert that this location is one of the most sensitive heritage settings within South Holland District.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

- Policy 1 - Spatial Strategy
- Policy 2 - Development Management
- Policy 3 - Design of New Development
- Policy 4 - Approach to Flood Risk
- Policy 6 - Developer Contributions
- Policy 7 - Improving S E Lincolnshire's Employment Land Portfolio
- Policy 11 - Distribution of New Housing
- Policy 17 - Providing a Mix of Housing
- Policy 18 - Affordable Housing
- Policy 28 - The Natural Environment
- Policy 29 - The Historic Environment
- Policy 31 - Climate Change and Renewable and Low Carbon Energy
- Policy 36 - Vehicle and Cycle Parking
- Appendix 6 - Parking Standards

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2 National Guidance

National Planning Policy Framework (NPPF) (2024)

- Section 2 - Achieving sustainable development
- Section 3 - Plan-making
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-1032-06

Demolish existing Public House and erect 21 residential units. Non Determination issued on 15-04-11

H16-1413-06

Demolish existing Public House. Approved on 04-04-08

H16-1070-07

Residential development and associated works. Approved on 04-04-08

H16-0268-09

Demolition of vacant public house and erection of care home with respite care and ancillary

services. Approved on 04-08-09

H16-0591-12

Demolition of vacant public house and erection of care home with respite care and ancillary services (renewal of H16-0268-09). Approved on 29-10-12

H16-1045-12

Demolition of vacant public house and change of use to temporary car park. Approved on 03-04-13

6.0 REPRESENTATIONS

6.1 Local Residents

3 phases of consultation to local residents occurred, the first returned 4 total comments, including 3 objections and 1 comment of support.

The content of the objections can be summarised like so:

- Over-development of the site.
- Impact upon conservation area would be negative.
- Insufficient parking for residents and staff.
- Insufficient drainage.

The letter of support stated that they felt the design was appropriate for the setting, and that it would be positive to tidy up the site which is a known eyesore.

The second phase of consultation to local residents followed design revisions requested by the Local Planning Authority, this resulted in 6 further objections, however, 3 of these were duplicates of the same response from the same individual and so only 4 separate substantive objections were received from 4 distinct individuals. These can be summarised like so:

- Loss of privacy for properties along Church Street.
- Loss of sunlight for properties along Church Street.
- Loss of views for properties along Church Street.
- Development should be 2 storeys lower.
- Construction noise would be disruptive.
- Noise generation by residents and day to day operation and traffic will be harmful to local residents.
- Negative impact upon highway safety.
- Negative impact upon the historic environment.
- Concerns that heavy construction could destabilise other nearby properties.
- Building would obscure the view of the church.
- Poor quality of design.

6.2 The third phase of consultation to local residents following further design revisions requested by the planning committee and the local MP resulted in 13 additional objections from 12 local residents. Those objections can be summarised like so:

- Not enough parking
- Already enough care homes in the area
- Proposal would be an eyesore.
- Proposal does not fit into the historic surroundings
- Harms views of the listed church
- Out of keeping in terms of the nature of businesses in the immediate area, which is characterised more by pubs, restaurants and shops, rather than care facilities.
- Over-development of the plot
- Loss of mature trees
- Would lead to increases in traffic with unsuited road infrastructure nearby
- Harms the setting of nearby listed buildings

6.3 National Gas

No comment

6.4 Lincolnshire Police

Access Control - Staff & Residents:

It is important that every consideration is given to reducing or restricting the opportunity for uninvited 'cold callers' or other visitors. This is particularly the case where there may be some residents who could be elderly and vulnerable.

The requirement and provision for dedicated access control would be a principal element of this application and important for the safety and security of residents and staff.

Electronic access should be a safety and security feature of this development at the main entrances to the main block.

- The need to protect a lone worker or vulnerable persons.
- To prevent access into parts of the building.
- In all cases the doors must incorporate an electronic door release system with electronic door release (and for the main entrance and possible other entrances depending on operational use) an entry phone system linked to the reception and or mobile smart phone.
- This may be particularly important in respect of the safety and security of residents and more so if any relevant orders should apply.
- Security devices (e.g., locking devices, door closers etc.) should be designed, where appropriate for ease of use by people with disabilities.

Buggy Store (if included):

External access to this facility should be included within a secure access-controlled regime and meet the same standards or alternatively appropriately secured doors and windows should be a feature of this store.

Where access can be gained via both the waste storage area and the buggy store appropriate and effective access control measures should be included.

Landscaping:

Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids

Footpaths:

It is preferable that footpaths are not placed to the rear of properties or provide such access, if deemed essential they should be securely gated. The gates should be placed to the front of the building line and suitable illuminated with a key operated lock from both sides of the gate. Effort should be made to ensure that the opportunity for concealed and easy access to individual premises is avoided; this is particularly relevant to ground floor windows.

Developers should ensure that access to the rear of the building is secured by access-controlled gates.

Lighting:

Regarding the lighting I would suggest that external lighting be low energy consumption lamps with an efficacy of greater than 40 lumens per circuit watt. The Code for Sustainable Homes requires security lighting to be PIR and for the lamp not to exceed 150w. Secured by Design has not specified this type of security lighting for several years following advice from the institute of Lighting Engineers and police concerning the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. The Code for Sustainable Homes does not penalise specifiers that follow the SBD guidance (constant level of illumination by utilising low energy luminaries) and allows credits to be awarded for 'default case'.

External lighting must be switched using a photo electric cell (dusk to dawn) with a manual

override.

Following the third re-consultation, following design alterations, Lincolnshire Police responded confirming they have no objections to the proposal.

6.5 Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included:

"The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (Ref: 3943 Former Bull & Monkie PH Revision C, dated 06 June 2023, compiled by EAS Transport Planning Ltd) and the following mitigation measures it details:

- *Ground floor finished floor levels shall be set no lower than 6.75m above Ordnance Datum.*
- *Demountable defences/flood doors shall be provided to a height of 600mm above ground level and shall cover all ground floor doors.*
- *The proposed development shall have non-habitable basement level as stated in the FRA and shown in Proposed Lower Ground Floor drawing (ref: 1315PL RDT ZZ B1 DR A 2000 Rev PL).*
- *Flood resilient construction shall be provided to a height of 300mm above the predicted flood depth.*
- *The development shall have a minimum of 2 storeys.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants aligned with Policy 4 of the South East Lincolnshire Local Plan 2011."

6.6 Anglian Water

During previous stages of consultation, Anglian Water had raised no comment to this case. However, with the January 2025 re-consultation, Anglian Water chose to object to the application, stating the following:

"Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment

This site is within the catchment of Spalding water recycling centre (WRC), which currently can accommodate the additional flows generated by the proposed development. Spalding WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030.

To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Used Water Network

Anglian Water objects to any connection into our foul network from the proposed development, due to capacity constraints and pollution risk.

In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre-Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will then review and respond appropriately.

Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection. However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:

Condition: no development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

If permission is granted we require the applicant to engage with us via our pre-development services and to submit a pre-development enquiry.

Surface Water Disposal

Anglian Water object to this application as there is incomplete hierarchy evidence (lack of infiltration testing and a watercourse next to the site). No proof of existing sewer connections and proposed discharge rates that do not align with Anglian Water's policy and would cause significant flood risk.

If the applicant believes the surface water hierarchy has been fully explored, they will need to engage with us and provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA. Only when this engagement has taken place and an agreement issued by Anglian Water will we remove any objections.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer"

Subsequently, the applicant provided the requested infiltration testing. To which Anglian Water responded confirming that they had removed objections on the used water network, requesting that an informative were to be applied to an approval in its place.

However, Anglian Water retains the objection on Surface Water Disposal, saying:

"The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England requires that soakaways, or some other infiltration system, are used in the disposal of surface water, in order to comply with these regulations. The applicant has submitted an Infiltration test report which is not acceptable.

Anglian Water object to this application H16-0767-23.

We have reviewed the submitted 22/1181/SK02 Site Drainage Plan, 22/1181/SK01 Existing Foul & Surface Water Drainage Route Sub Reenct of Site Boundary, FRA & SuDS - Former Bull & Monkie Ph Spalding Rev C dated 18th November 2022 and Infiltration Test Report dated

November 2022. The results show that infiltration rates are too low for infiltration methods to be assumed. In accordance with BRE 365, we would expect to see the infiltration testing in common at least two areas.

The applicant proposes a discharge rate of 7ls or s/l/s into a 150mm surface water sewer, the proposed discharge rate is considered excessive given the size of development and the local surface water network does not have capacity to accommodate the proposed discharge rate as well as increase flood risk within downstream catchment area.

A pre-planning enquiry application is required to consult Anglian Water Direct in a form of a Surface Water Pre-Planning Enquiry (PPE) Application.

The purpose of planning system is achieve sustainable development. This includes where possible through sustainable drainage systems which follow the surface water hierarchy. It is suggested that SuDS should be incorporated into this plan, in part Part H of Building Regulations, it is felt that it is too late at this stage to manage potential affects. Surface water systems are an early activity in construction process and it is important all that this dealt with early on at design stage."

6.7 South Holland Internal Drainage Board

No objections submitted and an advisory letter provided.

6.8 PEDALS

Cycle Parking:

There is conflicting information about how many cycle parking spaces are proposed. Paragraph 4.26 of the Transport Statement states 4 short stay and 15 long stay. Paragraph 4.8 of the Planning Statement states 14 spaces. Paragraph 5.33 of the Planning Statement states 10 spaces. The Planning Statement justifies a number lower than the Local Plan requirement partly by reference to the availability of public transport. However, it fails to recognise the limited hours and days of operation of local bus services, whereas a care home employs staff at all hours and on every day. Cycle parking should be provided at least to the standard required by the Local Plan. Also, the design of the home should be modified slightly to include shower and changing facilities available for use by staff who cycle to work. This should be close to the staff entrance door, which is near to the long-term cycle park. Paragraph 8.5.7 of the Local Plan refers. The charging facilities for electric cars are noted. Why not also charging facilities for electric bicycles? If the Council is minded to grant permission, please impose conditions which:

- Require the submission of full details of the number (in accordance with Policy 36 of the Local Plan) and design of the short-term and long-term cycle parking facilities, including the means of covering and security of the long-term spaces. No development to be started before the approval of those details.
- Require the approved cycle parking facilities to be completed and available for use before the care home is brought into use, and to be always kept available for the approved use.
- Require the modification of the design of the home to include shower and changing facilities available for use by those who cycle to work.
- Require the provision of at least one charging point for electric bicycles.

Access by bicycle and on foot:

In paragraph 3.6 of the Transport Statement and elsewhere, reference is made to the proximity of the site to the amenities and facilities in the town centre. However, this fails to take account of the complex junctions and traffic flows in the vicinity of the High Bridge. The changes noted in Paragraph 3.22 of the Transport Statement did not include benefits for cyclists or pedestrians. There are no facilities such as advanced stop lines to assist cyclists, nor do the traffic signals include phases for pedestrians to cross the roads.

The proposed care home will add to the number of cycle and pedestrian movements near the High Bridge junctions. Consequently we recommend that if the Council is minded to grant planning permission, negotiations should take place between the Council, the developer and Lincolnshire County Council with a view to the developer making a financial contribution towards the cost of making the High Bridge junctions more user-friendly for cyclists and pedestrians, as well as for motorists.

This site is located within the heart of the medieval settlement of Spalding. The desk-based assessment accompanying the application correctly identifies that there is a moderate to high potential for significant archaeological remains dating from the early medieval to the post-medieval period. It also identifies that remains of earlier periods may extend into the site.

There is currently insufficient information to determine the significance of any archaeological remains on the site or how they may be impacted by the proposed development. NPPF, para 194 states: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation.'

Policy 29 of the South Lincolnshire Local Plan includes the following statement: 'If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application.' It is recommended, therefore, that the results of an archaeological trial trench evaluation should be submitted in support of the application. The current condition of the site would permit an evaluation to be undertaken before the current building needs to be demolished and so I see no reason why this evaluation should not be undertaken prior to determination of the application in order that the design of the building can take account of any archaeological remains

The applicant was asked to carry out the archaeological field evaluation. Following receipt of the corresponding information, the LCC Historic Places team responded as follows:

"The site of the proposed development underwent an archaeological evaluation by trial trenching in February 2024 and a report by Oxford Archaeology was produced in April 2024. The results of this archaeological evaluation have demonstrated the presence of significant medieval and post-medieval archaeological remains on the site. This includes Late Saxon pottery dating back to the Anglo-Saxon origins of Spalding. Finds of this period are rare and therefore significant. While no cut features of this period were identified in the trenching there is potential for survival elsewhere on the site. Also of note, was the recording of a dog burial on the site, probably dating to the late medieval or early post-medieval period, a burial which may have been associated with the residents of Holyrood House which was formerly located to the south of the site and which is recorded in Grundy's 1732 map of Spalding.

The proposed development will include groundworks for the building foundations and drainage tanks which are likely to impact depths at which preservation of archaeological remains are likely. Any surviving medieval and post-medieval archaeological remains on the site which are to be affected by such groundworks will be destroyed.

Recommendation: If permission is to be granted, we recommend that conditions are placed for an archaeological scheme of works, in order to ensure the preservation by record of any heritage assets to be impacted by the proposed development.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraph 218 and the South East Lincolnshire Local Plan (Policy 29)."

Spalding and District Civic Society

The Civic Society provided two thorough and lengthy objections to the proposal which may be read in full in connection with this report. However, they can be summarised like so:

- Regrets that the Civic Society was not included within pre-application discussions.
- Quantity of parking is insufficient and local public parking facilities are too overcrowded to support the proposal.
- No provision for motability vehicles.
- Reliance on off-site parking is a contradiction of Policy 36 of the South East Lincolnshire Local Plan (2019) (SELLP)
- Refuse collection shall not be possible by council operatives from the waste collection point, and so waste will have to be managed by a private firm.
- Not enough outdoor amenity space.
- Design features such as the asymmetry, pediment, lack of extended eaves, vehicle arch and closeness to the highway are inauthentic and incongruous.
- Impact on the views of several local historic buildings, including the Grade I listed Church of St

Mary and St Nicholas and Ayscoughfee Hall are overbearing and harmful to the historic environment and thus should require full analysis.

- Proposal is too tall.

- Use of the site as a care home is not the optimal use. This would instead, be as a town hall.

Following the January 2025 Amendment, the Civic Society submitted a subsequent lengthy objection, which can similarly be read in connection with this report. The updated comment can be summarised as reiterating the points raised above, alleging that the amended design does not address the original concerns.

6.11 NHS

The NHS were consulted and have requested a financial contribution of £34,606.00 (£393.25 x 88 single bed care home occupancy dwelling).

Following the 3rd amendment to the proposal, the NHS amended down their requested financial contribution to £33,819.50 (£393.25 x 86 single bed care home occupancy dwelling).

6.12 Lincolnshire County Council as Lead Local Highways and Flood Authority

Lincolnshire County Council acting as Lead Local Highways and Flood Authority were consulted, providing a lengthy return, offering no objections subject to conditions and informatives (which are included at Section 9.0 of this report). Their response can be summarised like so:

The principle of the change of use is established by former permissions, which were also not objected to by LCC highways and there has been no material change in circumstances to justify the Authority reaching a different conclusion on the acceptability, in principle, of this current application.

The proposal includes 13 parking spaces, which is below the number required by strict adherence to the local plan. However, the professionally conducted Transport Statement satisfactorily justifies this and this arithmetical shortfall would not, in the opinion of the highway authority, be sufficient cause to withhold the grant of Consent for the proposed development by reason of the development being expected to have an unacceptable impact upon highway safety - because those staff and visitors who have chosen to travel to the facility by car would be able to park their vehicle within convenient walking distance of the facility, rather than having to park on the street in a place or in a manner that would endanger or impede the passage of other road users.

The Highways authority agrees with the suggestion of PEDALS that there should be provision for E-bike charging.

The Application Site is within the established town centre and is within convenient walking distance of existing bus stops as well as the bus station and the railway station. There is therefore means to travel to and from the proposed development by sustainable modes of transport.

Provision for under cover storage of waste for collection by a private collection vehicle and the effect being that this may cause a need for momentary waiting on Church Gate during the loading process is noted.

As the former use's vehicular accesses are no longer required, it is requested that the applicant be required to reinstate these as a conventional footway with full up-stand kerbs replacing the existing dropped kerbs. It is also requested that any approval of this application be accompanied by a condition requiring the applicant to provide tactile pedestrian crossings on either side of the junction of The Vista with Church Gate

The proposed surface water drainage strategy for the development is to discharge surface water run-off into an existing surface water sewer. Whilst this option is lower down the sustainable drainage hierarchy than is ideal, the ground conditions in this area are not conducive to infiltration and there is no existing adjoining watercourse into which surface water could be discharged. The drainage strategy does however include permeable paving where it is possible to do so and the rate of discharge is to be restricted by means of a hydro-brake or similar device with attenuated storm water being stored on the site in underground tanks. This arrangement therefore represents betterment over the historic drainage system of the Public House and makes a positive reduction in surface water flood risk to the development and to

neighbouring property.

6.13 Historic England

Does not wish to comment, recommends that the LPA consult their conservation specialist adviser.

6.14 SHDC Environmental Health

Requests that should the application be approved a construction management plan detailing noise and dust protection methods shall be required

6.15 SHDC Environmental Protection

Requests that standard land contamination conditions be imposed if the application is approved.

6.16 SHDC Trees and Nature Conservation Officer

Hope consideration has been given how protective fencing is going to be erected around the Root Protection Areas of trees adjacent to the site to British Standard BS 5837: 2012 and still allow space for the scaffolding required during construction.

The development is exceptionally close to trees which are of high visual amenity value in the middle of Spalding Conservation Area. Trees grow in size, and there is little space between the proposed building and the adjacent trees which are off site. They are likely to shade some of the rooms in the proposed property and obstruct views from windows. Gutters are likely to be filled with detritus from them. More space between the proposal and the existing trees would be beneficial for a long term harmonious existence.

All patios, paths, car parking spaces and other hard standing areas such as around the water pumping station, within the Root Protection areas of adjacent trees, must be constructed using permeable materials using a 'No-dig' construction.

Needs conditioning, with usual tree protection conditions during construction to prevent soil compaction which will cause root damage, and protect from branch damage.

Need for protective ground cover to be installed if any encroachment in Root Protection Areas. Need to see proposals for construction of hard surfaces which are of 'No dig' construction, permeable to water, and to enable gaseous exchange to the roots and also suitable for those using the facility to traverse.

Consultant arboriculturist should be on hand during the construction process to advise and ensure best practice throughout construction.

6.17 Cllr Ashby - Local Ward Member

Cllr Ashby submitted two comments, both of which offered full support to the proposal, stating that to see the site cleaned up would be a positive factor, as would be the prospect of investment into the local area.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Key Planning Considerations

7.3 The main considerations in this case are (but are not limited to):

- Principle of development
- Design and layout
- Heritage and archaeological impact

- Impact upon neighbouring residents/land users/land uses
- Highway safety and parking
- Flood risk
- Biodiversity and landscaping
- Developer contributions

7.4 **Evaluation**

- 7.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.6 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.
- 7.7 The policies and provisions set out in the National Planning Policy Framework (2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
- 7.8 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.
- 7.9 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.
- 7.10 Principle of Development
- 7.11 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.
- 7.12 Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable.
- 7.13 As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.
- 7.14 It is noted that the National Planning Policy Framework, (NPPF) (2024) outlines, within para 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".
- 7.15 Para 73 of the NPPF (2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are

often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

- 7.16 The proposed development is within the defined settlement boundary for Spalding, which is defined by Policy 1 of the SELLP as a Sub-Regional Centre, which is classified as an area to which development is to be directed. Policy 1 confirms that "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres". The explanatory text of Policy 1 goes on to state that the two Sub-Regional Centres "need to continue to accommodate the level of services and economic opportunities for the benefit of communities over a widespread area."
- 7.17 This application effectively takes the form of a type of residential development. Whilst the proposal is not for market housing, it should be noted that accommodation that creates provision for the elderly would support the wider planning policy aims of the District. It is thus considered that this development is acceptable in principle. The proposal accords with Policies 1 and 10 of the SELLP.
- 7.18 The historic planning context of the site should also be noted as, whilst previous applications were considered under former planning policy regimes, they support the overall principle of development, particularly applications H16-0268-09 and H16-0591-12 which both permitted the development of the site for use as a care home, of a similar scale and strikingly similar design. Furthermore, previous applications on this site have allowed for other forms of residential development, given that they have previously been accepted and approved on this site.
- 7.19 Design and Layout
- 7.20 Section 12 of the NPPF specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.21 Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.
- 7.22 Development proposals should also ensure that they create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, amongst other considerations.
- 7.23 Likewise, Policy 2 of the SELLP outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortable with, and adds positively to, its historically designed or un-designed townscape or landscape surroundings. These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the qualities of an area, will not be acceptable.
- 7.24 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of an area is not compromised.
- 7.25 The proposal comprises one single large, 4 storey building, which seeks to generate visual interest and differentiation by employing 2 distinct styles. Oriented in a 'U-plan' formatted with the open end of the 'U' facing north, the Western, street frontage elevation seeks to replicate a

Georgian civic style architecture, and following some design revisions, does so with authenticity. Other wings of the building seek to replicate a Georgian townhouse style with parapet, mansard roofs, completed in varying projections and brick types to avoid visual monotony. This approach ensures that views from the Vista are not harmed and avoids a common theme of development, which treats the principle elevations with respect, with side and rear elevations placed lower in the design hierarchy. Conversely, the view of the building from the side and rear is of a comparative quality to that of the front and shall ensure that views along the Vista toward the church are framed with attractive design.

- 7.26 It should also be noted that the design is largely the result of an extensive pre-application process, which also involved briefings to members. Moreover, following the prior deferment, the applicant has gone to great lengths to engage with the process of returning with a genuine improvement to the design, based on committee feedback. Following the latest revisions, which saw major alterations to the front elevation, including the total removal of the cart-arch style 3 storey section to the North, redesign of the remaining frontage and reduction in height of the frontage wing, Officers are satisfied that the design is of an extremely high quality, featuring carefully thought-out and considered references to architectural history, and efforts to reduce the appearance of mass to the Church Gate elevation.
- 7.27 The external materials are not as yet confirmed; however, general details have been provided confirming that broadly the building shall be constructed using a mix of red and grey bricks, with stone detailing. By means of condition, the applicant shall be required to submit and have approved in writing an application containing the final details of external materials, and due to the highly sensitive location within the historic environment and the scale of the proposal, it shall be ensured that the final materials are of the highest possible quality and sensitivity to the setting. This also applies to the nature of the fenestration and doors.
- 7.28 In order to mitigate against flood risk, a need has been identified to base the finished floor levels at 1m above the current AOD level, as well as flood resilient development up to a height of 300mm above predicted flood levels and demountable defences up to 600mm above finished floor levels. To ensure that this does not lead to a harmful impact upon the scale and impact of the development, it will be ensured by means of condition that existing and proposed site levels are provided prior to commencement of the development.
- 7.29 The proposal includes open amenity space surrounding the entire structure. The amount in this instance is relatively low compared to the scale of the development; however, the provision is considered to be sufficient and appropriate, providing an open air courtyard, landscaped gardens, and several separate outdoor seating and amenity spaces. It must be acknowledged that the proposal would sit quite tightly within its own plot, particularly when viewed from the south and west, and so concerns regarding the scale of the development relative to the plot are understood. However, taking into account the viability of the proposed use and the strength of the overall design, in terms of visual and material quality, it is deemed that the proposed design is appropriate and sufficiently compliant with Policies 2 and 3 of the SELLP.
- 7.30 As mentioned above, the scale of the proposal remains a valid concern, and both Policies 2 and 3 of the SELLP confirm that scale and massing should respect the local character. Properties within the immediate vicinity are mostly formed of frontages that are extremely tight within their own plots, or indeed, terraced properties. Church Street, Commercial Road/Churchgate, and London Road across the river are all nearby and comparative regions of the conservation area, and all, almost exclusively feature properties which are either extremely tight within their plots from frontage elevations, or indeed are terraced with no visual separation between structures, and so tightness within the plot does should not make the proposed appear out of sorts within its setting. Height of the proposal is another matter, and it is true that the building would exceed the height of all surrounding properties, apart from the adjacent grade I listed Church. However, 4 storey properties are not alien to the Spalding conservation area, particularly within the town centre, and the proposed structure would only be a single storey taller than the comparative listed properties along London Road, with the scale of a 4 storey development feathered somewhat particularly from the street scene by virtue of the recessed and parapet mansard roof. Taking this into account and also making an assessment on balance against the viability requirements of the proposed use, the proposal can be considered to achieve compliance with Policies 2 and 3 of the SELLP.
- 7.31 Much as with the 'Principle of Development' section of this report, it should be noted that the design is close in appearance to that which was approved under H16-0268-09 and H16-0591-

12, and represents an increase in height of a single storey over those approved applications. Again, these determinations were made under a previous policy regime; however, this is important context that informs the applicant's rationale behind the scheme presented under this application.

7.32 Heritage and Archaeological Impact

7.33 The impact of the proposal upon the historic environment can be considered to be a function of the proposed design. However, such is the importance of the assessment of this aspect to the nature and location of this development, a separate examination is warranted. However, much of the same arguments around the visual qualities remain the same and are similarly judged along the grounds of Policies 2 and 3 of the SELLP in addition to Policy 29.

7.34 The proposal site is within the Spalding Conservation Area and is within the visual context and setting of various listed buildings important to the town's character. Therefore, the impact upon both the conservation area and the various listed buildings must be appropriately assessed.

7.35 Policy 29, Section A of the SELLP, covering developments that affect listed buildings states the following:

7.36 *"Proposals that affect the setting of a listed building shall be supported where they preserve or better reveal the listed building"*

7.37 The most obvious element to first assess is the impact that a development of this scale may have upon the nearby grade I listed church. It is obvious, and confirmed by 3D renders provided by the applicant, that a development of a storey higher than any of its surrounding development shall drastically reduce access to views of the spire, and so in that way, it may only logically be argued that the proposal shall undoubtedly lead to some loss of valuable significance (and therefore substantial harm) for the Grade I listed church. However it should be noted that the southern wing of the building is substantially stepped down in overall height compared to the frontage elevation, by virtue of the gradually reducing AOD on the site as you move toward the east. As such, the southern element will be of a visually subservient appearance that steps down toward the Vista, feathering the impact of the corner of the development, leading to a far more satisfactory terminus of the built line along Church Gate as approaching the junction with the Vista.

7.38 Both the LPA's Conservation Officer and the included Heritage Impact Assessment identify the view of the Church of St Mary and St Nicholas directly along the Vista to be the primary character view of the asset, which is preserved by the proposal and indeed shall be framed by development of a much higher quality than that of the extant development on site.

7.39 Nonetheless, as per Policy 29 Section A of the SELLP, the proposal would not preserve or enhance the significance of the heritage asset, and as such, should not automatically be allowed, and therefore requires clear and convincing justification. Indeed, Section 12 of the NPPF, under Paragraph 213 confirms that harm to a heritage asset may be permissible, but in the case of Grade I listed assets, the justification for such must be wholly exceptional.

7.40 In this instance, the Conservation Officer is the case officer and is satisfied that justification is wholly exceptional. The included heritage impact assessment goes into great detail confirming that in the professional opinion of the applicant's heritage specialists, "the proposed development offers a good opportunity to redevelop the site with a high-quality and contextually appropriate new development, which respects and responds to the existing architectural variety and language of existing historic buildings within the Conservation Area. Indeed, the proposed development proposes a form, which is aligned with the existing arrangements of buildings in this locality, and would provide an attractive and well-defined development edge, which responds to (and to a degree reinstates) a traditional arrangement of built form." The Local Planning Authority's Principal Conservation Officer agrees with the findings of the Heritage Impact Assessment.

7.41 The included design and access statement confirms as to why a development of the nature previously approved under H16-0268-09 and H16-0591-12 was not a viable option, and convincingly lays out an argument as to why the increased height is justified by the business

case and viability of the proposal.

- 7.42 Presented before the Local Planning Authority is an opportunity to vastly improve a problem part of the conservation area, which has proven a consistent target for antisocial behaviour and vandalism, as well as being an extremely obvious example of troublesome urban decay, at various points overgrown with an existing building with no remaining viable use in an extremely poor condition. The quality of the design overall is such that the case officer and Conservation Officer conclude it to represent a vast improvement to the immediate setting within the conservation area and this shall be explored further below. Moreover, although loss of some views of the spire of St Mary and St Nicholas Church is inevitable, the most important view - that of the church directly down the vista, is not only retained, but would be vastly improved by removing a harmful visual element, to be framed by a substantial structure of a high quality of design and materials. Therefore, it is reiterated that the justification in this instance is considered to be wholly exceptional and therefore acceptable.
- 7.43 Furthermore, it is contextually important to know that prior to the development of the Bull and Monkie, the site was partially occupied by a large, historic house - Hollyrood House, as well as another public House called the Bull Inn, which was situated on the street frontage. Both of which would have substantially restricted public realm views of the church from the riverfront and streetscene, and would have created a sense of visual closure away from Church gate and the general High Bridge area. Moreover, the portion of planted land on the eastern bank of the river currently occupied by the eastern side of the pedestrian foot bridge was historically occupied by a wharf building forming the riverbank, and extending 4 full storeys tall above ground level, meaning that views of the church from much of Bridge Street and London Road were never a historic 'given' in the town's character, and would have been for the lifespan of those structures, much diminished compared to the Church's visibility today.
- 7.44 However, this alone does not justify the development. Paragraph 214 of the NPPF confirms the following:
- "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use
- 7.45 As above, the applicant has satisfactorily demonstrated why a development of the nature of that which was approved under H16-0268-09 and H16-0591-12 was not a viable proposal, justifying the changes to the design presented by this scheme. The public and social benefit of providing a care home for the elderly and vulnerable is of a clear benefit to the wider community and therefore, the proposal passes this test, as it provides an opportunity to deliver a public benefit, in a manner the applicant considers to be deliverable and viable. The Public and Social benefits of a case are afforded significant and positive weight in the planning balance.
- 7.46 Nevertheless, it remains valuable to assess the proposal via the lens of the 4 exception tests to paragraph 214 of the NPPF. These are examined in order below;
- 7.47 A) The grade I listed church of St Mary and St Nicholas is a visually prominent property within the historic setting of Spalding. It is currently given an artificial quantity of visual openness by the atypical lack of development upon the proposal site. Any building larger in scale in any dimension over that which is currently on site would, to varying degrees, inherently reduce access to views. Hence, it can be concluded that the nature of the heritage asset does prevent reasonable uses of the site.
- 7.48 Exception tests B & C do not apply as the proposal does not relate directly to the heritage asset itself or its conservation.

- 7.49 D) As demonstrated above, the loss of significance can be justified by the proposal, and also, by bringing this site back into a viable use, with attractive design, then the proposal outweighs the loss by a significant margin.
- 7.50 As such, the case officer concludes that the proposal satisfies the requirements of Policy 29, Section A of the SELLP as well as paragraphs 213 and 214 of the NPPF.
- 7.51 However, as previously discussed, the effect upon the listed buildings nearby is not the only effect to be considered, as the proposal site is also within the Spalding Conservation Area, and as such, the proposal's general effect upon that asset must be adequately assessed.
- 7.52 Policy 29, Section B of the SELLP, covering developments that affect conservation areas states the following:
- 7.53 *"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should (irrelevant sections have been removed):*
- 1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*
- 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; "*
- 7.54 The proposal does not present a risk to existing street patterns or historic building lines or ground surfaces. As explored within the included heritage impact assessment the site would have historically been occupied by a number of other buildings, including an Inn set up against the street frontage. The majority of structures in the immediate vicinity are street fronting, tight within their plots, or even terraced. Therefore, it can be concluded that the proposal respects the existing street patterns and historic building lines, as well as massing, scale and plot widths. Height, as already addressed, is abnormal compared to most buildings within immediate adjacency. However, such properties with similar heights are not alien to the conservation area, and historically, 4 storey properties, or more have been an accepted form of development within Spalding. Particularly within the town centre - another section of the conservation area. Therefore, the proposal is not considered to be at odds with the appearance, form and character of the wider surrounding historic built environment.
- 7.55 As previously discussed, it is considered that there shall be some harm inflicted upon the townscape, roofscape and skyline of the conservation area. However, the most significant views are preserved, and the loss in significance has been justified by the overall design, and specific use case. Consequently, the proposed development of this plot can be considered to enhance the streetscene in other ways, via the removal of the Bull and Monkie - a known eyesore and long-standing derelict site which significantly detracts visually from the appearance and character - to be replaced with a significant structure of high quality design such as is proposed.
- 7.56 For the reasons listed above, the proposal is deemed to be in accordance with Policy 29, Section B of the SELLP. Overall, the proposal meets all the relevant requirements of Policy 29 of the SELLP.
- 7.57 Finally, in respect of archaeological considerations, the NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.58 Section 16 of the NPPF also details that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". Policy 29 (The Historic Environment)

states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology... through high-quality sensitive design.

- 7.59 In respect of archaeology, comments have been received from the Historic Places Team, outlining that "there is a moderate to high potential for significant archaeological remains dating from the early medieval to the post-medieval period. It also identifies that remains of earlier periods may extend into the site". Resultantly, the LCC Historic Places Team requested that the results of an archaeological trial trench evaluation should be submitted in support of the application. The applicant provided the results of the trial trenching and the LCC Historic Places Team, in turn, confirmed that the site contains significant risk of archaeological findings, but that they were satisfied that if permitted, the risk could be mitigated by imposition of archaeological conditions AR01, AR02 and AR03
- 7.60 Therefore, the case officer concludes that the application passes all tests of the relevant sections of Policy 29 of the SELLP in addition to Section 16 of the NPPF and that therefore, the impact upon the historic environment is considered to be acceptable.
- 7.61 Flood Risk and Drainage
- 7.62 Section 14 of the National Planning Policy Framework (2024) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".
- 7.63 Paragraph 174 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the Flood Risk Assessment being the tool to demonstrate this.
- 7.64 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.65 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding, given the extent of land as detailed above. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.
- 7.66 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.67 Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:
1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District

wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.

- 7.68 The PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of buildings used for dwellings and is classified as 'More Vulnerable'. The PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is in Flood Zone 3a and the development is 'More Vulnerable' therefore it is necessary to complete the Exception Test.
- 7.69 As partially referred to above, in short the NPPF requires the application of a Sequential Test to ensure that new development is in areas with the lowest probability of flooding. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
- 7.70 The refined flood risk information contained within the SFRA demonstrates the site is considered to be between low risk and danger to most for the 1% fluvial event and 0.5% tidal event in the present day and in 2115. There are very few sites available that are not currently developed within the defined settlement boundary for Spalding, and the exact use of the site necessitates a location which may access amenities easily without use of a car, and therefore, it is not possible to direct this sort of development to an area of lower flood risk as there is an identified need for a location such as this for this proposal.
- 7.71 The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed. The wider community benefits from providing this specialist accommodation are clear and meet the test. A Flood Risk Assessment accompanies the application. This demonstrates that the proposed properties can be suitably protected against the risk of flooding. The submitted Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere.
- 7.72 Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework in this regard.
- 7.73 Regarding the Anglian Water objection to the application, based upon surface water disposal, the applicant's infiltration testing revealed a discharge rate of 7l/s or 5l/s which Anglian Water considers excessive and beyond the local surface water network's capacity. However, Anglian Water has a legal obligation to accept drainage and create capacity should local development create it. The objection, therefore, should be considered immaterial to the recommendation and does not constitute sufficient grounds upon which to base any recommendation to refuse consent.
- 7.74 Impact upon residential amenity
- 7.75 Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.76 Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing

development and land uses is a main consideration when making planning decisions.

- 7.77 As previously discussed, the proposed property is a large, 4 storey property. However, it is situated within close proximity to only a single residential property, with that being 15A Church Street, situated behind the Ye Olde White Horse public house. Even so, this property would still be separated from the bulk of the development by substantial distances and none of the 15As windows are upon southern-facing elevations. The property's access to natural light and outlooks shall be preserved upon its western (front) elevation, as prior to amendment they would have only fallen under the influence of the 3 storey, stepped down segment of the frontage wing of the proposed development, which has now been entirely removed from the proposal by means of the latest amendment. All windows on West facing elevations which may catch the frontage windows of 15A would be situated at oblique angles and therefore would not present a material risk of overlooking, or loss of privacy to any habitable rooms or private garden spaces of any neighbouring dwellings.
- 7.78 Other nearby residential properties are all situated along Church Street, with rear elevations facing to the south toward the development. These are situated yet further still from the proposed development, with the north facing elements of the 4 storey sections of the proposal varying in distance between approx. 26.9m and 42m from the rear elevations of these properties at their closest and furthest points. Because of the lower level of the proposal site at the sections behind the frontage wing suggest that there is extremely limited potential for a material risk of overlooking or overshadowing to the properties along Church Street, neither would the development appear over-bearing.
- 7.79 The proposed levels could be of concern as the Flood Risk Assessment does seek to raise FFL 1m above existing mean site levels such that the FFL would be no lower than 6.752m AOD. However, due to the undulating nature of the site, which drastically dips particularly to the south and east of the site, the site's mean height is 5.752m AOD, but the actual FFL would only be marginally higher than the existing site levels, to such an extent that it is not considered to bear any impact upon the risk of material overlooking or overshadowing, in conjunction with the context described above.
- 7.80 Some concern was raised by local residents over the risk of noise generation both by the construction and the ongoing residential use of the site. With regard the first aspect, construction noise is an inescapable factor of any development. However, it may be mitigated against using correct management of the construction process, and this shall be ensured by means of a condition which requires the applicant to submit a construction management plan prior to commencement. This document would, amongst other matters, highlight the manners in which noise generation shall be limited to reasonable hours of operation to avoid as much as reasonably possible the generation of undue noise at times which would cause unwelcome disruption. Considering the general risk of noise generation throughout the lifetime of the development, it should be understood that this location is an urban setting, wherein a certain degree of noise generation via the regular comings and goings of dense, urban living should be a basic expectation. Nonetheless, the property would be situated a substantial distance from the bulk of residencies in the area, and it is not anticipated that this specific use, which seeks to provide special accommodation allowance for the elderly is a potential source of undue noise generation outside of the expected norms of the setting.
- 7.81 With regard to availability of amenity space, whilst the allowance comprises a relatively small portion of the plot considering the scale of the development, there is still substantial outdoor facilities for residents, including several distinct outdoor seating areas, a larger communal courtyard and some areas of landscaped green spaces, included within the urban plot.
- 7.82 For the reasons listed above, the proposal is deemed to provide ample protections to and provisions for residential amenity for both nearby residents and future residents of the proposed scheme. As such, the case officer is satisfied that the proposal meets the requirements set forth under Policies 2 and 3 of the SELLP in this regard.
- 7.83 Highway Safety and Parking Provision
- 7.84 Section 9 of the National Planning Policy Framework (2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (2024) advises that "development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

- 7.85 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.
- 7.86 Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires one parking space per 3 residents and one bicycle storage unit per 3 employees, in the case of residential care home uses. As the site proposes to employ up to 40 employees, then the provision of 15 bicycle parking units is in excess of the policy requirement. However, with regard to vehicle parking, the proposal flatly fails to meet the required standard. For a development of this scale, the vehicle parking provision on site would only become policy compliant at 29 spaces, which is over double the proposed provision of 13 spaces.
- 7.87 The included traffic statement justifies this conflict with Local Plan policy by stating that the proposed use expects residents to be frail and thus unable to operate a private motor vehicle or leave the site unassisted and therefore that parking provisions is only intended to primarily service staff and visitors. It goes on to further justify the non-compliant parking provision by referring to the large quantity of locally available public parking, particularly with reference to the car park adjacent on The Vista. The statement claims that there are 538 public parking spaces in close proximity to the development, split between roadside and off road parking sites and that a survey of availability conducted in February 2023 confirmed that there was ample spaces available to support overspill. Ultimately, the included traffic statement concludes that the provision of parking, given the availability of public facilities and the specific proposed use of the site is satisfactory, and also that the local road network shall not be materially harmed in terms of either capacity or safety.
- 7.88 Supporting the applicant's traffic statement, Lincolnshire County Council have been consulted as Local Highway Authority as part of this application and raised no objections to the proposed development, subject to conditions that are recommended. Moreover, the LCC highway authority stated:
- "whilst the thirteen car parking spaces that are to be provided within the proposed development is below the number required by strict application of the standards set-out for care home developments within the South-East Lincolnshire Local Plan, this arithmetical shortfall would not, in the opinion of the highway authority, be sufficient cause to withhold the grant of Consent for the proposed development by reason of the development being expected to have an unacceptable impact upon highway safety - because those staff and visitors who have chosen to travel to the facility by car would be able to park their vehicle within convenient walking distance of the facility, rather than having to park on the street in a place or in a manner that would endanger or impede the passage of other road users."
- 7.89 Since the amendment of the application, which reduced the number of bedrooms by 2 whilst retaining the same assessed quantity of parking spaces, meaning that the amended plans represents a marginal improvement in the parking availability on site, subsequent to the above Highways Authority advice and that included within the development traffic statement.
- 7.90 With the explicit support of the LCC Highways Authority, It is considered that the access to the site, in respect of both vehicle and pedestrian access, is acceptable and the development provides adequate parking despite the obvious conflict with the strict application of Policy 36 and Appendix 6 of the SELLP, as justified by the proposed specific use of the site and the local public parking provision, based on the arguments included within the Transport Statement and supported by the County Council Highways Authority
- 7.91 Moreover, given the sustainable, town centre location of the site, future occupiers of this site would have ready access to alternative and more sustainable forms of transport, including bus, train, cycle or travel by foot. Therefore, the site would conceivably not be solely reliant upon the use of private motor vehicles.

- 7.92 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (2024).
- 7.93 Biodiversity Net Gain
- 7.94 In respect of biodiversity, Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.
- 7.95 Section 14 of the National Planning Policy Framework (2024) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'. Section 15 goes on to express that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, whilst minimising impacts on and providing net gains for biodiversity.
- 7.96 It is important to note that whilst the existing development on the site forms only a small portion of the overall site, the vast majority of the overall surface of the plot is covered in hard standing, not featuring any natural environments or habitats of any sort.
- 7.97 In this regard, the applicant has submitted a Biodiversity NET gain statement, and due to the above, despite the large scale of the proposal, the justified opinion of the applicant's ecologists is that the development would achieve a 50.36% NET gain in habitat units and a gain of 100% in hedgerow units. This more than satisfactorily meets the standards expected for Biodiversity NET gain, and this increase in BNG and Environmental Gain is given significant weight in the planning balance.
- 7.98 The proposal is therefore in accordance with Policy 28 and 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (2024).
- 7.99 Refuse storage and collection
- 7.100 The applicant proposes that all refuse shall be stored in a ground floor externally accessed room, on the northern end of the ground floor upon the frontage wing of the proposed structure. Inherently, storage of waste on site would fall below the Local Authority's standards for waste collection by Council staff. However, the applicant has confirmed that waste on the site shall be managed by a private company, and the details of this arrangement shall be confirmed by means of a condition.
- 7.101 Developer contributions
- 7.102 The consultation response gained by NHS Lincolnshire sets out a request for a financial contribution. Confirming that they hold that at an average of 1.43 persons per residential unit, the 86 bedroom proposal would lead to an increase in patient amount of 123. They later confirm that this development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. Therefore, NHS Lincolnshire requests a contribution of £33,819.50 (£393.25 x 86 single bed care home occupancy dwelling).
- 7.103 The trigger points requested are as follows:
- 7.104 "payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.
- 7.105 To ensure that there is sufficient time to carry out the works and allow the s106 funds to be

spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required".

- 7.106 Any resultant financial contribution would need to be secured via a S106 agreement, unless it can be adequately demonstrated that "financial viability prevents the delivery of some or all developer contribution".
- 7.107 At the time of the preparation of this report, the applicant had verbally indicated an intention to concede to this request, however, this has not been confirmed. Should the applicant concede to the payment of this request, then any approval of this application shall be subject to the completion of a relevant S106 agreement and the trigger points will need to be resolved through the S106 process.
- 7.108 There is no requirement for affordable housing contributions as this form of non-market accommodation does not warrant the supply of affordable housing, as per the standards set forth under Policy 18 of the SELLP.
- 7.109 Planning Balance
- 7.110 Given the scale of the proposed development, there is an inherent risk to views within the conservation area, particularly of the Grade I listed Church of St Mary and St Nicholas Church. It is clear that this could, in theory represent a contradiction of both Section 16 of the NPPF and Policy 29 of the SELLP, simply by virtue of representing a form of harm to the setting of the Grade I listed church. However, as identified, the NPPF allows for even substantial harm to be effected upon the setting of Grade I listed assets, provided that there is wholly exceptional justification. As demonstrated in the report, the case officer and Conservation Officer is satisfied that the justification provided is wholly exceptional and that whilst views, particularly from the North West of the church shall be impacted, in other ways, the primary and most important view of the church - along The Vista, will not only be retained, but actually enhanced by a much higher quality of design and materials over that which is extant on site, framing the Vista in a much higher quality visage than is currently available.
- 7.111 It is also true that the proposed quantity of vehicle parking does not meet the basal standard for a development of this type, as defined by Appendix 6 of the SELLP. For a residential care home with 86 beds, the scheme would become policy compliant at the provision of 29.33 (30) parking spaces, whereas only 13 are planned. However, the supplied transport statement does seek to justify this via the less car-reliant nature of the planned residents of the scheme and the availability of local public parking. This justification is heavily supported by the Lincolnshire County Council Highways Authority who, when consulted, agreed with the transport statement's findings and confirmed that they did not consider the application to present a risk to highway safety or capacity locally by means of traffic generation or parking overspill.
- 7.112 Notwithstanding the above two potential constraints, the benefits of the scheme are obvious with regard to the positive social factors inherent to providing an enhancement to the district's provision for specialist care residential facilities for the elderly and would support the wider planning policy aims of the District and environmental gain through 50% BNG. It is thus considered that this development is acceptable in principle. The proposal accords with Policies 1 and 10 of the SELLP.
- 7.113 Furthermore, the proposal represents a viable and realistic opportunity to enhance a problem site within a prominent setting of the Spalding Conservation Area, that, upon assessment is fully compliant with Policies 2, 3 and 29 of the SELLP. The site as extant is a substantial harmful draw on the qualities of the wider conservation area. Permitting the development shall not only rid the area of this problem site, but represent a major enhancement that utilises a high quality of design, and by condition it shall be ensured that final materials are of a commensurate quality, befitting the significance of the site and the structure. Furthermore, it is considered that the proposal will assist in restoring historic built lines, stepping down in height toward the Vista, providing a much more satisfying terminus to the built form than currently exists, providing an attractive visual frame toward the Vista and the grade I church.
- 7.114 Finally, the proposal offers a substantial Biodiversity NET gain of 50.36% in habitat units and a gain of 100% in hedgerow units

7.115 Therefore, it is considered that, with the careful application of suitable conditions, on balance the proposal which contains substantial benefits in respect of delivering specialist residential care, resolving and substantially enhancing a problem site that currently detracts in a major fashion from the conservation area, as well as benefits to the ecology, would outweigh the harm placed upon the skyline and access to views of the grade I listed church, as well as the comparative lack of parking provisions - both negative aspects which have been satisfactorily justified with reasoned evidence, and in the case of the parking aspect, supported by the County Council's Highways Authority.

7.116 **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.

8.0 RECOMMENDATIONS

8.1 Grant consent subject to the conditions listed at Section 9.0 of this report and completion of the Section 106 agreement.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form
MAY 23 AM J.22 - Planning Statement - M2 Planning - May 2023
TS08-191P/1 - Topographical Survey
221/1811/SK01 - Existing Foul & Surface Water Drainage Route Beyond Extent of Site Boundary
221/1811/SK02 - Site Drainage Plan
ATS0552 V1 - Arboricultural Impact Assessment - May 2023
Tree Survey
Biodiversity Net Gain Assessment - June 2023
Preliminary Ecological Appraisal with Preliminary Roost Assessment (inc. third Party Date Search) January 2023 - Focus Environmental Consultants
3943/2023 Rev B - Transport Statement - April 2023 - EAS Transport Planning
2109-REP-ES-01 - Environmental & Sustainability Statement - May 2023 - Harniss Consulting
2109-REP-OH-01 Rev P1 - Overheating Statement - January 2023 - Harniss Consulting
GH0029 - Archaeological Desk Based Assessment - Granta Heritage - March 2023
101 Rev B - Landscape Layout
102 Rev B - Boundary Treatment Plan
201 - Planting Plan
RDTH3000 - Heritage Impact Assessment - May 2023 - Turley Heritage
FRA & SUDS-Former Bull & Monkie PH Spalding Rev C - Flood Risk Assessment & Surface Water Drainage Strategy - June 2023 - EAS Transport Planning
Bat Survey July 2023 - Focus Environmental Consultants
1315PL-RDT-ZZ-XX-RP-A-8000 PL1 - Design and Access Statement - RDT Architects
1315PL RDT ZZ XX DR A 0001 Rev PL1 - Site Location Plan - Amendment 2
1315PL RDT ZZ XX DR A 0005 Rev PL1 - Site Location Plan - Aerial Image - Amendment 2
1315PL RDT ZZ XX DR A 0100 Rev PL1 - Existing Site Plan - Amendment 2
1315PL RDT ZZ XX DR A 0800 Rev PL1 - Constraints and Opportunities Plan - Amendment 2
1315PL RDT ZZ XX DR A 1100 Rev PL3 - Proposed Site Plan - Amendment 2
1315PL RDT ZZ 00 DR A 2100 Rev PL3 - Proposed Ground Floor Plan - Amendment 2
1315PL RDT ZZ 01 DR A 2200 Rev PL3 - Proposed First Floor Plan - Amendment 2
1315PL RDT ZZ 02 DR A 2300 Rev PL3 - Proposed Second Floor Plan - Amendment 2
1315PL RDT ZZ 03 DR A 2400 Rev PL3 - Proposed Third Floor Plan - Amendment 2
1315PL RDT ZZ 04 DR A 2500 Rev PL3 - Proposed Roof Plan - Amendment 2
1315PL RDT ZZ B1 DR A 2000 Rev PL2 - Proposed Lower Ground Floor Plan - Amendment 2
1315PL RDT ZZ ZZ DR A 3000 Rev PL4 - Proposed Elevations - Sheet 1 - Amendment 2
1315PL RDT ZZ ZZ DR A 3001 Rev PL4 - Proposed Elevations - Sheet 2 - Amendment 2
1315PL RDT ZZ XX DR A 3275 Rev PL2 - Proposed Illustrative Elevations - Sheet 1 - Amendment 2
1315PL RDT ZZ XX DR A 3276 Rev PL2 - Proposed Illustrative Elevations - Sheet 2 - Amendment 2
1315PL-RDT-ZZ-XX-RP-A-8030 PL1 - Visuals Booklet - Amendment 2
1315PL-RDT-ZZ-XX-IS-A-1100 - Document Register - Amendment 2
2726 - Final Archaeological Report - April 2024 - Oxford Archaeology
10/06/25- Infiltration Test Results - MTC Engineering

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, 2024. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

4. 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 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Section 16 of the National Planning Policy Framework, 2024.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5. A copy of the final report required in connection with Condition 3 above shall be submitted to the Local Planning Authority and the Lincolnshire Historic Environment Record, within three months of the work being carried out.

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 Section 16 of the National Planning Policy Framework, 2024.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6. 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. 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.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 6 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

8. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. 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.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. Additionally, to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2024.

9. 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 movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

10. Prior to the commencement of any development hereby permitted, 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. 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 Church Gate and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. Prior to the first use of the development hereby permitted, the existing vehicle access crossings, at the Churchgate frontage of the site, shall be reinstated as footways, with full-upstand kerbs replacing the existing dropped kerbs, and tactile paved pedestrian crossing points shall be provided at junction of The Vista with Churchgate, all in accordance with details that shall first be approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring the provision of safe and suitable pedestrian access to the permitted development for all users.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Before the commencement of the development hereby permitted beyond oversight, a schedule of external materials of the 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.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, 2024.

13. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. This strategy shall identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and Section 14 of the National Planning Policy Framework, 2024.

This condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).

14. Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, 2024.

15. Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, 2024.

16. 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. The boundary treatments shall be 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.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

17. The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal construction and be thereafter so maintained and retained.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, 2024.

18. Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas. There shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

19. Prior to the commencement of the first use of the development hereby permitted, 15 secure, covered, long stay cycle racks and an additional 4 short stay cycle racks, shall be provided in the vicinity of the building of a design and in positions which shall be approved in writing by the Local Planning Authority.

Note: In accordance with recommendations made by the Lincolnshire County Council Highways Authority and PEDALS, some provision should be made for the charging of electric bicycles within the secure, covered, long stay cycle racks to be provided on site.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

20. The scheme of landscaping and tree planting shown on dwg. no. 101 Rev B shall be carried out and completed in its entirety during the first planting season following first occupation of this 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.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

21. Prior to installation, details of the materials and methods of construction of all patios, paths, car parking spaces and other hard standing areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Note: All such areas of hard standing shall be constructed using permeable materials, that permit gaseous exchange to tree roots, utilising a 'No-dig' method of construction.

Reason: For the avoidance of undue harm to on-site trees and habitats.

This condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 as well as Section 15 of the National Planning Policy Framework, 2024

22. During construction, protective ground cover shall be installed within the root protection areas of any retained trees on site, and shall not be removed until the end of construction.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, 2024.

23. Where trees are shown within the supplied tree survey to be retained on site they shall be protected during construction work as follows:

i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii) no services shall be routed under the spread of the crowns of the trees to be retained;
iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, 2024.

24. Prior to any occupation of the development hereby permitted, full details of the arrangement for 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 unit and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

25. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (FRA & SUDS-Former Bull & Monkie PH Spalding Rev C) forming part of this planning application. In particular the following measures shall be fully implemented before the property is first occupied:

-Ground floor finished floor levels shall be set no lower than 6.75m above AOD, which is 1m above existing site levels.

-Flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above FFL.

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2024.

26. Prior to the first occupation of any of the development hereby permitted, written confirmation from Anglian Water that there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

This condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.

27. 16 swift nest bricks shall be incorporated within the external walls of the development hereby permitted, and shall be retained thereafter.

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

28. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

29. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

30. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

31. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.
- For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk
32. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- For further guidance please visit:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>
33. Notification of intention to connect to the public sewer under S106 of the Water Industry Act 1991 should be sent to Development Services Team by Anglian Water, under the Water Industry Act 1991. They will supply an application form upon request.
34. Protection of existing assets - A public sewer is shown on records plans within the land identified for the proposed development. Anglian Water requests that the applicant consults with them at the earliest opportunity to discuss their proposals and ensure any potential impacts on public sewerage apparatus are effectively managed. This is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing sewers will not be permitted without agreement from Anglian Water.
35. Building near to a public sewer - No building shall be erected or trees planted within 3 metres from the pipeline without prior written approval from Anglian Water. Please contact the Anglian Water Development Services Team on 0345 606 6087 Option 2.
36. Notification of intention to connect to a public sewer under S106 of the Water Industry Act 1991 should be sent to the Anglian Water Development Services Team by Anglian Water (under Sections H4 and H5). They will supply an application form upon request.
37. If it is intended that disposal of surface water into a sewer not been approved for adoption, the applicant should contact the Anglian Water Development Services Team with details at their earliest opportunity.
38. New development should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplied by Anglian Waters requirements.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

Email nick.atkinson@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

