DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1203-22**	**Applicant:**	**Sea Island Developments (Spalding) Ltd.**
Proposal:	Proposed extra care accommodation with associated access, car parking, and landscaping		
Location:	Land Adjacent Roman Bank Spalding		
Terminal Date:	27th February 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Sections:
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11.Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	1	0	0	5

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the development of a proposed extra care accommodation with associated access, car parking and landscaping. Specifically, the proposals are for the construction of a new residential, 69-bed Extra care housing development. The development would fall under Planning Use Class C2 (Residential Institutions). The development would be available only to individuals who meet a minimum level of care requirement and as such residents will be assessed for a place based upon the level of care that they require.

The development proposals are for 69no. closed care apartments with communal and support facilities. Communal facilities include a shared activity room and kitchen, accessible WC's, a buggy store which includes charging facilities and laundry in addition to two external terraces and breakout space within corridors. Staff facilities include a staff office with welfare facilities.

The applicant states that these apartments are to be the size of 1 bedroom, 2 person accommodation units but are to be occupied by one person, and this is further assessed due to the

NHS implications that double occupation would have on NHS services. This is discussed further below.

Each apartment, of a minimum floor area of 50m2, would contain an open plan kitchen, living space and hallway along with one double bedroom and a bathroom which is flexible for a bath or shower with wet room design with future adaptability for 'Jack and Jill' doors and ceiling hoist from the bed. Built-in storage would be provided in a cupboard off the hallway. Apartment units comply with the Nationally Described Minimum Space Standard (NDSS) and Approved Document - M4 - Category 2.

The apartments would be laid out with an open plan kitchen and living space which extend into the hallway which would allow daylight to penetrate the full depth of each apartment.

Each apartment would have its own private balcony providing external space for every resident. The majority of the private balconies would be covered which both extends the usability of the balconies and enables external doors to be opened up for more of the time for ventilation through added weather protection.

Non fossil fuel heating source provisions is proposed to be installed, with all apartments having air source heat pumps and a PV array low carbon technology. The developer is adopting a Fabric first approach with high levels of insulation to the fabric of the building.

Due to the constraints of the site, the built form of the development is proposed to consist of a "T"-shaped linear building varying between 3 and 4 storeys, with under ground car parking, sitting in landscaped gardens.

The application, which has been amended since submission, is supported by a Statement of Community Involvement, Flood Risk Sequential Assessment and Exceptions Test, Design and Access Statement, Landscaping Strategy, Flood Risk and Drainage Impact Assessment, Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment, Tree Survey, Transport Assessment, Noise Assessment and Phase 1 Geo-Environmental Assessment.

Site Description

The development site is located just north of the junction to Holbeach Road A151, with the River Welland to the north west and Roman Bank road to the south east. The site is a former builders yard and as such is considered to be a brownfield site. The land is not allocated in the adopted development plan, however the River Welland which abuts the Site immediately to the west is designated as a Local Wildlife site.

The site is located at the former Jewsons Builders Merchants site along Roman Bank, Spalding, and runs parallel to Roman Bank along a North South orientation. The site is bordered along the Western boundary by the River Welland.

Land use in the immediate vicinity is generally three storey residential, with industrial development on the opposite side of the river. To the South are an agricultural merchant and Chinese food takeaway with new build residential directly opposite.

The site sits between Westons Farm Supplies; a single storey rendered commercial unit and Windmill Court; a 3 storey brick residential development. The land is within Flood Zone 3. The site levels vary from 3.4 - 4.4m AOD sloping downwards from south to north. Existing levels on Roman Bank are 4.1 to 4.55m AOD. The final Finished Floor Levels of the development would be 5.2m AOD as set out in the Flood Risk Assessment.

There is an embankment around 1.5m height along the Eastern boundary between the site and the river bank path. The rest of the site is more even, with a fall of around 1m from the South East to the North West corner.

The site is accessed off Roman Bank, with the majority of the site being at least 0.5m lower than the level of Roman Bank.

History

H16-0138-17. FULL. The scheme comprises a self-contained care home and two over 55 years of

age apartment blocks. (re-submission of H16-0585-16). APPROVED 08-09-17.

H16-0585-16. Erection of self contained care home and two over 55 years of age apartment blocks. REFUSED. 25-01-17.

H16-0223-07. Erection of 63 apartments with associated car parking and open space. APPROVED 10-12-09.

Consultation Responses

SHDC Housing Strategy

No objection.

SHDC Conservation Assistant (Tree Preservation)

Natural vegetation re-growth on derelict land, huge temporary value for local wildlife.

Unless someone is willing to keep the site as a local wildlife haven, perhaps as compensation for loss elsewhere should the proposed development take place:

Would encourage retention of selective peripheral saplings, or those which would be useful on proposed amenity areas.

Seems ridiculous to remove established saplings, should replacement trees then have to be bought to plant in nearly an identical location.

Clear site at an appropriate time to avoid nesting birds and hibernating creatures. September would seem ideal.

Provide amphibian/reptile friendly kerbing/careful selection of positions of gratings/drain covers to reduce casualties.

Provide easy means of escape for creatures such as hedgehogs if trapped in covered car park area.

Provide swift boxes at roof level.

Provide landscaping which will help to compensate for loss of natural habitat.

For example: Shrubs: Various rambling rose varieties. Retain rosehips for wildlife. Buddleia, attracts butterflies. Could have some soft fruit in plantings.

Trees: Alder, silver birch, rowan, whitebeam, hawthorn, native crab apples and hazel. If space; field maple is always attractive.

Could incorporate 'beetle banks' in landscaping.

SHDC Environmental Protection

Noise - No objection.

Contaminated land - whist in general agreement with their conclusions based on the information they have reviewed, we hold existing information in relation to this site which would potentially have an impact on their conceptual model and proposed scope of their site investigation.

Information was submitted in respect of H16-0223-07, although it may be associated with a later planning condition discharge application. Crossfield Consulting report ref CCL01673.BG05 dated March 2008 identified elevated levels of arsenic and lead as well as petroleum hydrocarbons and poly aromatic hydrocarbons at levels unsuitable for use in 'residential development without plant uptake' based on the screening assessment criteria selected at the time. Only soils below 2m depth in the south and 1m depth in the north were considered as material was to be removed from site. Elevated ammonia, petroleum hydrocarbons and poly aromatic hydrocarbons were recorded in ground water, at around 2.4m below ground level, as well as non-aqueous free product (LNAPL) in

one borehole. Level 3 remedial target spreadsheets were presented.

Since the report was produced in 2008, there have been many changes in the way land contamination is considered. The amount of sampling and testing upon which their conclusions were based would be considered unacceptably low today. Screening assessment criteria used to assess the potential impacts to long term human health have changed, as has how we consider the impact to controlled waters. I have not carried out a detailed review of the data compared to current day acceptable levels, however I would anticipate that remediation should be expected at this location.

Given the information above, Hydrock 3E may wish to revise some aspects of their conceptual model, for example, to include the potential for vapour exposure to residents, as well as increasing the scope of their initial site investigation to allow for good site characterisation. Arsenic, PAH & TPH in soil and ground water may suggest that on site timber treatment was undertaken, so there may be potential for historic dipping tanks. With that in mind I would prefer to see some machine excavated trial pits to give better coverage. I am also a little concerned that if they are only undertaking shallow (5m deep) boreholes, that the data they collect may not be representative of the ground gas conditions around the subfloor parking basement, and that the potential for free phase hydrocarbons at 2.4m depth may also impact on the design of the basement.

In terms of the granting of planning permission, although free phase hydrocarbons were identified, I do think that it will be technically possible for the developer to achieve a safe development with a robust remediation strategy once an appropriate site investigation has been undertaken. I agree that significant site clearance will be required before that investigation can reasonably take place.

Given the revisions needed to the conceptual site model, I request that the full land contamination conditions be applied at this location. I also request that a condition for unexpected contamination be included as follows:

"In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

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

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."

I also request our standard construction management plan condition be applied.

Environmental Services

No response received.

LCC Highways & SUDS Support

Requests that the Local Planning Authority request the applicants to provide additional information:

In principle the proposal would seem acceptable, however the highway authority are of concern with the two number drop off/pick up points located on Roman Bank. These bays will become part of the public highway under formal adoption and will be difficult to control for there purpose as they will be open for misuse where vehicles will park and the authority have no means of securing any traffic regulation order on them.

Therefore, we would ask the applicant to remove these bays and make further consideration of an in/out arrangement within the curtilage of the site for taxi's and ambulances should this facility be required.

We would also ask the applicant to show a frontage footway link on the radii of the proposed vehicle access to the East, including a pedestrian crossing point across the new access for pedestrian connectivity. There will also be a requirement to upgrade the existing crossing at the Roman Bank/Holbeach Road (A151) junction to a formal uncontrolled pedestrian crossing with tactile paving.

LCC Historic Environment Officer

No archaeological input required.

LCC Education Planning Manager

No comments.

NHS - Response to Initial Consultation

The development is proposing 69 double occupancy apartments which would result in an increase in patient population of 197.

The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This in turn impacts on premises, with extra consulting/treatment room requirements. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

The development will impact Beechfield Medical Centre and Munro Medical Centre as the development is within their catchment area.

NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 69 dwellings on Land adjacent Roman Bank Spalding to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Spalding Primary Care Network (PCN) at Beechfield Medical Centre and/or Munro Medical Centre. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The contribution requested for the development is £54,268.50 (£786.50 x 69 dwellings).

Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at 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.

To ensure that there is sufficient time 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.

NHS - Response to Amended Consultation

The development is proposing 69 double occupancy apartments which would result in an increase in patient population of 76.

The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This in turn impacts on premises, with extra consulting/treatment room requirements. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

The development will impact Beechfield Medical Centre and Munro Medical Centre as the development is within their catchment area.

NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 69 dwellings on Land adjacent Roman Bank Spalding to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Spalding Primary Care Network (PCN) at
Beechfield Medical Centre and/or Munro Medical Centre.

Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

The contribution requested for the development is £20,900.00:
- £275 x 62 beds (asingle occupancy)
- £550 x 7 beds (double occupancy) - £3,850.00

Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at 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.

To ensure that there is sufficient time 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.

South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Although no consent is currently required from the Board, officers have noted a potential for conflict between the planning process and the Board's regulatory regime. If consents are in fact required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.

Byelaw 3 (Surface Water)

I note that the applicant intends to discharge surface water to the River Welland. As a main river, the Environment Agency are the regulators of works affecting this watercourse therefore no consent would be required from the Board for the proposed discharge. The Board does however recommend that the discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to as close to Greenfield Runoff Rate as practicably possible.

Section 23, Land Drainage Act 1991

As mentioned above, the nearest river to the site is the Main River (the River Welland). As mentioned above, the Board has no comments to make on any potential works affecting the river. I recommend the applicant contacts the Environment Agency if the applicant's proposals change to include works affecting the main river.

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Anglian Water

ASSETS

Section 1 - 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 SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Spalding Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk and Drainage Impact Assessment 23 January 2023 Doc ref: P22-311-ZZ-XX-HYD-RP-C-9000 Rev P02. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1)INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

(2) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDs scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

Environment Agency

Originally objected in January 2023, and withdrew their objection in February 2023.

Recommend a condition to control the development in accordance with the submitted flood risk assessment.

No objection to the surface water discharge in to the River Welland in principle and suggest using low volume floating pumps for the storage tank.

Although this proposal includes ground floor sleeping accommodation it this is above the maximum flood depth this is therefore in line with the South East Lincolnshire standing advice.

Highlight that the emergency evacuation plan will need careful consideration. As noted in the FRA it is not possible to provide a safe dry evacuation route during an extreme flood therefore safe refuge is being provided within the building.

Do not comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as the EA do not carry out these roles during a flood. The EA involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by their flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, the EA advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, the EA recommend the LPA refers to 'Flood risk emergency plans for new development' and undertake appropriate consultation with the LPA emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

As the site is adjacent to the River Welland the applicant should consider the below information:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust wishes to register a holding objection on this application until further ecological information has been submitted and details are provided as to how the mandatory 10% Biodiversity Net Gain and subsequent monitoring and management for the 30-year period will be achieved.

We agree in principle to the avoidance measures, mitigation strategy and compensation scheme outlined in the Ecological Appraisal. We also appreciate that a Biodiversity Net Gain report has been produced. However, the report does highlight that the current plans for the development will not result in a 10% gain in biodiversity. The report also fails to provide details for the 30-year management and monitoring plan for the site post construction, stating in section 3.9 of the report that 'for the purposes of the metric, it is assumed that a detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions'. This must be provided prior to approval being granted, outlining the management and monitoring plan for the 30-year period post construction.

In November 2021 the Environment Bill gained Royal Assent to become an Act, which mandates Biodiversity Net Gain to a minimum of 10% to be delivered. This gain should be in like-for-like habitats, meaning that the replacement of habitat units with hedgerow units is not appropriate. The baseline biodiversity value for the site has been calculated using the Defra metric, however the information used to calculate this value should come from a UK Habitats Assessment as stated in the CIEEM-CIRIA-IEMA Good Practice Principles for BNG, BNG British Standard BS8683:2021 and the CIEEM BNG Report Templates. It is not clear from the documentation provided what survey method was used in the field survey or the watercourse survey.

The assessments of the site must be conducted by an ecologist with practical experience of UKHabs surveys and should reach FISC Level 4 as best practice. The experience level of the ecologists undertaking the field and watercourse surveys are not detailed in the documentation provided. Moreover, the watercourse survey was undertaken in November. This is an inappropriate time of year to conduct such a survey and current findings will under-represent the ecological value of the site. We must insist that a survey is completed at an appropriate time of year.

Spalding & District Civic Society

Immediately striking is the careful thought that has gone into meeting the needs of the intended residents.

Raise matters of room size, sustainability and nature conservation.

Welcome the underground car-parking, thus avoiding the unsightly, dead waste of space of ground-level parking.

Cycles - we support the observations and recommendations submitted by PEDALS.

Support the LPA pre-application suggestions and consider that the scheme does not go far enough, suggesting that the applicant remove the horizontal grey band of the ground floor, vary the type of dormers, commission art work or break up blank walls on returns and on the Roman Bank side.

Not at all happy, about all the grey that is being proposed for the exterior of the building: grey roof fascias and soffit boards, grey window frames and door frames, grey painted balconies, and it would seem grey contrasting brickwork and grey cladding.

Support the comments and reservations of the Council's tree and nature conservation officer. However, we do not feel there is sufficient green space for the number of residents proposed.

Further, the main garden/seating area, on the Roman Bank side, is going to be in shadow for most of the day with the tall buildings enclosing it on south and west sides and tall trees and shrubs (to give privacy) on the east.

Note the Lincolnshire Wildlife Trust request to register a "holding objection".

Pedals

Comments - This proposal meets the minimum cycle parking requirements stated in the local plan. However, we feel that there will be benefit in providing additional, secure cycle storage for staff in the basement, possibly adjacent to car parking space 24. This would be consistent with the Government's objectives to encourage active travel. We hope that the applicants will be willing to provide this, leaving the cycle stands near the main entrance available for short-stay visitors and general use. If planning permission is granted, please impose a condition requiring that all the cycle storage and cycle parking facilities are provided before the building is brought into use, and kept available for that purpose thereafter.

Police Crime Prevention Design Advisor

Secure access control measures by way of a shuttered or gated entrance should be included that restricts unauthorised access to secure parking areas inclusive of robust access control systems that restrict access from the underground parking area to the main building via lift access of door entry systems, such access control systems should be supported by an effective and compliant CCTV system.

There is a requirement that CCTV systems provide an effective deterrent and when necessary, obtain identification images to improve the chance of an offender being identified and convicted.

The range and scope of any CCTV system on this site may be directly related to the proposed minimum staffing levels (i.e., reception and/or security staff).

Such a scheme should be designed to monitor all vulnerable areas and be fit for purpose. Any system should be to a minimum of BS EN 50132-7:2012 CCTV surveillance systems for use in security applications. Police Response: BS8418:2010

Lighting should be designed to provide a uniform spread of light with clear colour rendition. Lighting incorporated within the perimeter protection should be designed including its use with CCTV. Security lighting, such as metal halide units, should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes and parking facilities. All fittings shall be vandal resistant and positioned out of reach.

Where there is no surveillance, informal or formal, lighting can only assist an offender, in such circumstances, appropriate 'switching off' of lighting should be considered after staff have left designated areas.

All ground floor windows and those that are easily accessible from the ground must either conform to PAS24:2012 'Specification for enhanced security performance of casement and tilt and turn windows for domestic applications.

All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.8mm (See Glossary of terms) or glass successfully tested to BS EN 356:2000 Glass in building. Security glazing - resistance to manual attack to category P2A unless it is protected by a roller shutter or grille as described in paragraphs 52 above. With effect from January 1st, 2011, all laminated glass must be certificated to BS EN 356 2000 rating P3A unless it is protected by a roller shutter or grille.

Building Regulations (October 1st 2015) provides that for the first time all new homes will be included within Approved Document Q: Security - Dwellings (ADQ).

Where play areas or open spaces are either planned or exist and can provide unrestricted access to the development it is important that arrangements and ownership are clearly defined in order that ongoing maintenance is managed structured into future planning.

Such areas should be overlooked by adjacent properties providing good natural surveillance

opportunities, ideally from rooms within the property deemed as 'active'.

Flat entrance door-sets should meet the same physical requirements as the 'main front door' i.e., PAS24:2016. The locking hardware should be operable from both sides of an unlocked door without the use of the key (utilising a roller latch or latch operable from both sides of the door-set by a handle). If the door-set is certified to either PAS24:2016 or STS 201 Issue 4:2012 then it must be classified as DKT.

Where a communal entrance serves more than 5 units and less than ten it is recommended that it should have a visitor door entry system and access control system to ensure management of the buildings security and safety of the residents to the following standards: PAS24:2016 - STS 201; LPS 2081 Security Rating B+.

Where communal mail delivery facilities are proposed (unless secured alternative arrangements are in place) and are to be encouraged with other security and safety measures to reduce the need for access to the premises communal letter boxes should comply to the following criteria.

- Located at the main entrance within an internal area or lobby (vestibule) covered by CCTV or located within an 'airlock style' entrance hall.
- Be of a robust construction (Federation Technical Specification 009 (TS009)
- Have anti-fishing properties where advised and appropriate.
- Installed to the manufacturer's specifications.
- Through wall mail delivery can be a suitable and secure method.
- Under no circumstances would I recommend the use of a 'Trade-man's Button' or other form of security override.

Secure motorcycle and cycle storage should benefit from all around surveillance from active or occupied buildings and there should be a provision of secure ground anchors (for motorcycles) and the location facility should be well lit during hours of darkness. Bicycle storage should be ideally contained within a secure roofed building which would be lit and secured during operating hours.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

The main issues in this case are:

- Principle of Development and Sustainability
- Layout and Design
- Refuse collection
- Highway safety and parking
- Impact of neighbouring Residents/land users
- Flooding considerations, Sequential and Exception Tests
- Foul and Surface Water Drainage
- Landscape Impact and Biodiversity
- Contaminated Land
- Heritage and Archaeology
- Developer Contributions

Evaluation

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.

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 .

The policies and provisions set out in the National Planning Policy Framework (updated December

2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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.

Principle of Development and Sustainability

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.

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 location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within the Sub-Regional Centres, namely Spalding within the district of South Holland, development that is "within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps), will be permitted that supports their roles as Sub-Regional Centres".

The application site in this instance is within Spalding, a Sub-Regional Centre, and lies within the defined settlement boundaries as defined by the inset maps containing to Policy 1. In context of this, the principle of development within this location is considered to be appropriate and would be in accordance with the overall principles of the spatial strategy, with the South East Lincolnshire local Plan clarifying that development will be permitted that supports Spalding's role as a Sub-Regional Centre.

Policy 11: Distribution of New Housing sets out new housing site allocations to make provision for a certain level of housing development increase. It is also acknowledged that incremental growth in housing supply will also come about through infill and 'speculative' applications both within the settlements identified in Policy 11 and also within the Other Service Centres and Settlements. The land is a brownfield site and the redevelopment of the site is acceptable in principle.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 and relevant policies of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) 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.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Likewise, policy 2 of the South East Lincolnshire Local Plan 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 National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

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 the area is not compromised.

The development lies within a part of Spalding that is mixed in nature and this site has been left derelict for a number of years. It is considered that the development of this land would provide an uplift to the area.

The linear form of the proposal accords with the constraints of the site, and would present active frontages to both Roman Bank and to the River Welland, rather than turning its back on the river. The linear form is to be broken up by the use of materials, and gabled elements.

The height and massing of the proposal make the most of a linear site constrained by the River Welland and Roman Bank, and would present a pleasant built form. It is considered that subject to the use of appropriate materials, that this proposal would provide an improvement to the current street scene in this locale, as well as a pleasant outlook when viewed from the River Welland.

Expanding further, the exisitng vicinity of the site has a mix of heights and building uses, and this proposal would act as a feature development when entering Roman Bank; albeit, a condition is suggested to seek the details of all external materials.

It is noted that, the use of an underground car park is unusual in this locale; however, it would achieve the level of parking expected for this type of development, and would enable the full development of the site.

The building contains internal refuse storage areas on each floor for residents to take rubbish to on a daily basis. Refuse collection will be by a private refuse collection arrangement, and staff will take the rubbish from the internal stores to the collection vehicles at the arranged time.

The internal layout of the proposal has been designed with the end users in mind, and would provide a well designed scheme that is capable of later alteration if the needs of the resident changes. Given the size and form of the development as described above it is considered that the scheme would provide a durable residential scheme.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and

the relationship to existing development and land uses is a main consideration when making planning decisions.

The surrounding area consists of two and three storey residential developments, containing detached and terraced dwellings, as well as a small block of apartments to the north-east and opposite this site on Roman Road, as well as single storey commercial premises to the south-west.

This proposal would change the nature of this site and result in a built form that would have the normal residential window relationships to adjoining dwellings; albeit with the scale differing to typical residential development. A wide consultation was undertaken and a site notice displayed and it is notable that no objections have been received. Overall, the propsoal is considered to be appropriately designed and comprises a layout as to not cause an unacceptable imapct upon neighbouring amenities.

It is considered that the relationships with adjoining land uses accords with Policies 2 and 3 of the SELLP in this regard.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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.

Vehicular access into the site is provided at the north from Roman Bank, the access road ramps down at a 1 in 13 ratio to provide access into a basement car park, which is approximately 1.8m below existing ground site levels. There are 24no. car parking bays which is provision for 1 in 3 residents, 2 of which are accessible bays. Entry into the building from the basement car park can be accessed via the central staircase and lift, which will be access controlled for security. CCTV will also be present within the basement car park for security.

Pedestrian access into the site is separate from the vehicular access for safety. A public footpath has been provided along Roman Bank to provide continuity of the existing footpath system along the highway.

Covered cycle parking has been provided at the entrance to the building with an allocation for up to 6 bikes to be stored.

A drop off loop has been provided off Roman bank to allow for taxi's, delivery vehicles and emergency services to pull into the site, off the highway, without having to enter the basement car park.

During the application process, consultation was undertaken with Lincolnshire County Council, as Local Highway Authority. Whist conditions were recommended, which have been atached to this recommendations, the consultation outlined no objections to the proposal.

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 (December 2024).

Flooding considerations, Sequential and Exception Test

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

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.

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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) 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" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is within Flood Zone 3. The site levels vary from 3.4 - 4.4m AOD sloping downwards from south to north. Existing levels on Roman Bank are 4.1 to 4.55m AOD. The final Finished Floor Levels of the development would be 5.2m AOD as set out in the Flood Risk Assessment.

There is an embankment around 1.5m in height along the Eastern boundary between the site and the river bank path. The rest of the site is more even, with a fall of around 1m from the South East to the North West corner.

The application is supported by a Flood Risk Assessment, that has been revised to take in to

account the comments of various statutory consultees. Also the revised FRA includes a proposed levels plan, which has also been submitted as a separate drawing, showing the existing boundary levels which is contained within Appendix E of the FRA.

The Environment Agency Flood Map for Planning shows the site to be wholly located within Flood Zone 3. The site is therefore considered to be at high probability of river flooding based on the EA online flood maps. Modelled flood levels for the River Welland have been obtained from the Environment Agency which show the worst case river flood level in the area of the site to be 4.68mAOD during the 1in100yr+20%CC Storm event.

The Environment Agency data does not provide a value for the 1in100yr+40%CC storm event; however, it does provide a value for the 1in1000yr+20%CC storm event which is also recorded as 4.68mAOD. It is therefore considered that we can assume the flood level of the 1in100yr+40%CC is also 4.68mAOD.

The western boundary of the site, adjacent to the River Welland, currently sits at a lowest level of around 5.270mAOD and it is therefore expected that the river embankment adjacent to the site would not be breached by the river flooding.

From the current online 'Guidance for Flood Risk and Coastal Change' and in reference to the 'Flood Zone and flood risk tables' the proposed development is noted to be located in flood zone 3a ' High probability' from Table 1. From the Flood risk vulnerability classification in Table 2 the site is classified as a 'More vulnerable, development.

The Flood risk vulnerability and flood zone compatibility Table 3 shows that the proposed development will require an exception test to be undertaken. This will need to be satisfied to enable development within this flood zone.

The flood map shows that the north section of the site is subject to medium-high risk of surface water flooding. This is expected due to the existing low-lying areas with an absence of surface water drainage. The proposed site will be providing impermeable surfaces within this area that will be positively drained and attenuated. It is therefore considered that the site is at low risk of surface water flooding.

It has been established that the site lies within Environment Agency (EA) defined Flood Risk Zone 3. Paragraph 170 of the National Planning Policy Framework ('NPPF') states that:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

The ground floor level has been set at 5.35mAOD and will therefore provide a safe haven for residents should flood depths reach the maximum 2m depth. Residents would reside here until the flood water drained and a safe evacuation route was available.

Due to the anticipated flood depths, it will not be possible to provide a safe dry evacuation route during times of extreme flooding but as described above, safe refuge areas are being provided within the buildings above the anticipated flood level.

Safe evacuation will be possible for storm events with flood depths not exceeding 4.40mAOD, both exit from the main reception and the stepped exit directly on to Roman Bank would provide a suitable route in this situation. The majority of Roman Bank would also be flooded during these storms and evacuees must head south east towards the higher ground.

All building management will be signed up to the EA Floodline Warnings Direct Service so that all residents can be advised of the expected flood and to enable the buildings to be adequately evacuated prior to the onset of flooding, if required.

Only the basement level car park is proposed to sit below the extreme flood level. It is therefore not necessary to consider mitigation measures such as flood doors and water-resistant materials to this floor. However, a pumped system will be provided within the basement to drain any flood water that enters.

A separate flood risk sequential and exception test document has been submitted to support the application, which demonstrates that it is not possible for the development to be located in zones with a lower risk of flooding. The NPPF therefore states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'

It is considered that the proposal accords with this requirement of the NPPF because the development would provide suitable accommodation that is in need and provides a community benefit by way of its resultant provision. Additionally, the document referred to above also sets out a number of alternative sites and discount these for clear reasons. Taking this document into account it is evident that no reasonable alternative or available site for the proposed development exists at this time. Sites which would be suitable are not available, and the applicants' search indicates that there is little prospect of anything suitable becoming available within the timescales the applicants are seeking to deliver the scheme within. Furthermore, as outlined above, both exit from the main reception and the stepped exit directly on to Roman Bank would provide a suitable route in this situation and the Flood Risk Assessment outlines mitigation measures.

In respect of the propsoed drainage schemes, it is proposed that foul water flows generated by the proposed development will utilise the existing connection into the public sewer within Roman Bank located within the south east of the site.

There is no existing surface water drainage present within the site. The site is currently unoccupied brownfield. A Phase I Geo-environmental Assessment has been undertaken by Hydrock 3E which notes that based on the likely presence of a shallow continuous groundwater table below the site, it is unlikely that the use of soakaways for surface water discharge will be feasible. However, this will be assessed further following the findings of a ground investigation. Due to the close proximity to the River Welland, only 7m off the western site boundary, it is proposed to discharge surface water flows to the river via a newly constructed headwall.

In accordance with South Holland District Council's and Defra guidance the runoff from the proposed development should be restricted to the equivalent Greenfield runoff Qbar rate. Greenfield runoff estimations have been calculated for the new development drained area of 0.243Ha which can be found below, the result shows a rate of 0.3l/s.

Based on a maximum discharge rate of 5l/s, a volume of 73m3 will be required within the drainage system to attenuate excess flows. This will be provided in the form of a cellular storage tank situated within the access road to the north as detailed on the drainage layout.

Maintenance of all new private drainage should be undertaken in accordance with the proposed maintenance plan attached to the FRA. Conditions have been attached in this regard.

Overall, when considering the nature of the development and the mitigation propsoed, the development, subject to conditions, is considered to be acceptable in this regard and be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019).

Landscape Impact and Biodiversity

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 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'.

Specifically in respect of biodiversity and ecology, 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.

The responses received during the application process, including that of the SHDC Trees and Conservation Officer, is set out above. It is considered that in order to deliver this development this site will clearly need to be carefully cleared and mitigation put in place.

As a derelict site this land is host to a lot of self seeded vegetation that is no doubt host to a mix of wildlife. The site will need careful clearing and mitigation, and this is to be controlled by condition, as per the views of the SHDC Trees and Conservation Officer.

It is also noted that a holding objection was also received/submitted by the Lincs Wildlife Trust which was considered by the applicant, and the revised submissions sought to address the matters raised. Amongst maters that include a request for additional biodiversity net gain, comments were received which raised concenr regarding reports received; namely the Watercourse Survey. As such, an updated Watercourse Survey was provided, which was considered to be "undertaken at the correct time of year" and satisfied Lincs Wildlife trust "that this survey is an accurate reflection of the watercourse at the time of survey. Therefore our objections concerning the timing of the original watercourse survey can be considered resolved".

In respect of the most recent correspondences with Lincs Wildlife Trust, it was also noted that their response, predominantly at that point being in relation to the aforementioned watercourse Survey, that "the Trust still have concerns regarding the low level of biodiversity net gain predicted on site as well as the lack of a management plan".

It is noted that Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. In this instance, the application was submitted prior to the introduction of this legislation. As such, the development is exempt.

Whilst the 10% net gain is preferable, and the requirements sought and approach received from Lincs Wildlife Trust is respected and views shared by the Local Planning Authority, it is noted that the development indicates a level of uplift, following detailed discussions and amendments being forthcoming during the application process, with conditions also securing such detail.

The details provided in respect of biodiversity, as amended, are considered to be acceptable and demonstrate, albeit to a minor extent, a net gain. This complies with Policy 28 of the Local Plan and given the nature of the site, its use and the existing network on site, is considered to be acceptable in this instance.

Overall, it is considered that the proposed development complies with Policy 28 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2024), subject to the conditions attached to this recommendation.

Contaminated Land

The response of the SHDC Environmental Protection Service is set out above. In this regard, it is recommended that the usual pre-commencement conditions are applied to this proposal, in order to accord with Polices 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

Heritage and Archaeology

The Site is not located within a Conservation Area. There are no listed buildings on the Site or

within close proximity to it. However, there is a Grade I listed Church of St Paul and Grade II* listed Vicarage located to the east of the Site along Holbeach Road.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (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.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Furthermore, 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 expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In this regard, given the separation distances and intervening development there are not considered to be any setting issues associated with these designated heritage assets. It is to be noted that the LCC Historic Environment Officer is of the view that no archaeological input is required.

Overall, it is considered that the proposal would not give rise to an adverse impact to the setting of the listed building and in turn, the proposal does not cause harm to the asset; in accordance with Policy 29 of the South East Lincolnshire Local Plan and Section 16 of the National Planning Policy Framework (December 2024).

Developer Contributions

Policy 5: Meeting Physical Infrastructure and Service Needs sets out that planning permission will be granted for new development provided that developers can demonstrate that there is, or will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development. A planning condition and/or legal agreement may be required to help secure the arising needs.

Policy 6: Developer Contributions clarifies that developments of the quantum of development proposed will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy. Developer contributions will only be sought when they meet the tests set out in the NPPF.

As the proposal falls within Use Class C2, it is not considered that affordable accommodation or nomination rights are relevant to this consideration. It is similarly not considered appropriate to require an education contribution, a matter also expressed by Lincolnshire County Council through formal consultation.

The contribution request of the NHS is set out above. Discussions have been ongoing during the application process, to discuss matters relating to this contribution. Following the initial request for contribution, further clarity and points were raised by the applicants agent, with further discussions taking place in this respect.

Revised comments were provided by NHS Lincolnshire, acknowledging the comments raised by the applicants agent, with the revised comments seeking a financial contribution, but of a differing amount.

In assessing both the comments raised by the applicant and those revised by NHS, it is considered that the requested contribution, comprising £20,900.00, due to the form of development, is a reasonable request and can be delivered via a S106 legal agreement that would cover this, as well as a monitoring fee. The S106 would also set out repayment timing expectations.

The applicant states that these apartments are to be the size of 1 bedroom 2 person accommodation units but are to be occupied by one person. These are matters discussed during the aforementioned discussions.

In light of the above, and subject to the contribution being secured through Section 106 Agreement, the propsoal would comply with the requirements of Policy 6 of the South East Lincolnshire Local Plan (2019).

Planning Balance

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.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and quality of residential accommodation, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the principle of this proposal and the policies referred to above.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with the principles of Policies 1, 2, 3, 4, 6, 10, 11, 18, 28, 29, 30, 31, 32 33, and 36 and Appendices 6, 8 and 9 of the South East Lincolnshire Local Plan (SELLP), 2019, plus the provisions of the National Planning Policy Framework (NPFF), December 2024.

It is recommended that the application be approved conditionally, in line with the above report.
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.