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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H09-0228-26 **Date of Decision:** 10th June 2026

Applicant: 713 Emmerson Limited
C/O Cg & Co
27 Byrom Street
Manchester
M3 4PF

Location: Land North Of Tudor Lodge Fen Road Holbeach Spalding

Description: Residential development comprising 5 detached dwellings off a private drive - approved under H09-0980-21. Modification of Condition 2 to allow amendments to previously approved plans and Modification of Condition 3 to amend external materials

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

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

25/695/PA/007 - Planning (Block & Location Plans)
25/695/PA/001 - Planning S73 Application (Plot 1)
25/695/PA/002 - Planning S73 Application (Plot 2)
25/695/PA/003 - Planning S73 Application (Plot 3)
25/695/PA/004 - Planning S73 Application (Plot 4)
25/695/PA/005 - Planning S73 Application (Plot 5)
25/695/PA/008 - Planning (Front Gates)

H09-0439-23
TL-SH-PSP-AR-01 rev B
Schedule of External Materials

Construction Management Plan dated May 2023

H09-0980-21
Flood Risk Assessment. ECL0525-1/Seagate Homes. FINAL REPORT. November 2021
Design & Access Statement - September 2021
TL-SH-LP-AR-00
TL-SH-PCF-AR-02 A

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

2 The development hereby permitted shall be carried out in full accordance with the details approved under application reference H09-0439-23 relating to external materials, surface water disposal, landscaping and tree planting, construction management and measures to prevent the deposit of mud on the public highway, unless otherwise agreed in writing by the Local Planning Authority (conditions 3, 4, 8, 13 and 14 of H09-0980-21). The approved details shall thereafter be retained and maintained where applicable for the lifetime of the development.

Reason: To ensure satisfactory appearance, drainage, landscaping, highway safety and residential amenity.
This condition is imposed in accordance with Policies 2, 3, 4, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

3 Before each dwelling is occupied, the private drive and footway providing access to that dwelling, shall be constructed to a specification suitable for 18T fire appliance. The private drive to this development shall be retained as a private drive.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction and occupation of the development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019

4 No part of the development hereby permitted shall be occupied before the works to improve the public highway (approved under H09-0980-21), including the provision of the footway, as shown within drawing reference TL-SH-PCF-AR-02A have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019

5 Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection and the management of the private drive and adjacent open space/landscaping 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 dwelling and thereafter retained for the lifetime of the development.

Reason: To ensure appropriate arrangements are in place for the collection of

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refuse/recycling and the upkeep of the private road and communal space.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6 The existing hedging to the site as annotated on drawing reference 25/695/PA/007 shall be retained.

Prior to its installation, details of any additional proposed boundary treatments, including a schedule of acoustic and other fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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.

7 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ECL0525-1/Seagate Homes. FINAL REPORT. November 2021) forming part of this planning application H09-0980-21, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- the finished floor level of each dwelling is 0.3m above surrounding ground levels;
- there is 0.3m of flood resilient construction above finished floor level in all development.

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 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 national guidance contained in Section 14 of the National Planning Policy Framework, December 2024.

8 Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved 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.

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9 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.

Notes:

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 subsequently determining to grant planning permission.

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

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at
https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Variation of an existing permission

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at

http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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 our website via the following links:

Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 25th April 2022 and can only be implemented as a consequence of meeting the provisions of that Agreement



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:
The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which may influence an internal layout for fire safety purposes. Please contact the Building Control team for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: **https://appeal-planning-decision.service.gov.uk/before-you-start**. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.