

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0269-25 **Applicant:** Hexagon Care Services Ltd

Proposal: Details of landscaping & tree planting & biodiversity net gain plan (Conditions 6 & 7 of H09-0572-24)

Location: Three Chestnuts Fen Road Holbeach

Terminal Date: 13th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of landscaping & tree planting & biodiversity net gain plan (Conditions 6 & 7 of H09-0572-24)

Condition 6 - Landscaping
Condition 7 - Biodiversity Net Gain

Site Description

The site which relates to a former care home is located outside of defined settlements in the open countryside. The site is accessed via the B1168 Fen Road. The property benefits from a large area of hardstanding for vehicular parking with suitable turning area to enter and leave the site in forward facing gear. Grass / garden amenity areas are located to the perimeter of the property. One metre high post and rail fencing, hedgerows and scattered trees form the boundary treatment to the application site. The nearest dwellings are Mill House - 228 metres to the west, Pennington Farm - 168 metres to the south and Greenacres - 656 metres to the north-east.

The site is located in Environment Agency Flood Zone 3, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Drainage is to remain as existing with foul sewage addressed via a septic tank.

History

H09-0572-24 - Change of use of children's care home (Use Class C2 Residential Institutions) to an independent school - Learning and Non-Residential Institution (Use Class F1 (A) Provision of Education) - approved under H09-1133-23. Modification of Condition 2 to allow amendments to previously approved plans. 27-09-24

Consultation Responses

Highways & Suds Support

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Considerations

Condition 6 - Landscaping

The Condition requires:

Prior to the first use of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary

The applicant has provided:

- 241217 ARBI 1071 TCP VI Tree constraints Plan
- Tree Survey Schedule
- Existing & Proposed Site Plans

The hard and soft landscaping plans are appropriate. They show the retention of the mixed scrub area to the west of the application sites, new planting to the south and retained planting along the easter boundary.

It is considered that the information is sufficient to discharge condition 6.

Condition 7 - Biodiversity Net Gain Plan

The condition requires:

Prior to the first use of the development hereby permitted, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

The applicant has provided:

-Biodiversity Net Gain Assessment

The document from Enviropass shows that a net gain across the site will be achieved (this is a policy led requirement and not mandatory). The method of calculations and results are displayed. The document also outlines the on-site management of the BNG. This is also considered acceptable.

The information therefore is considered sufficient to discharge condition 7.

Conclusion

Conditions 6 & 7 of H09-0572-24 are hereby discharged.

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.