

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1198-25 **Applicant:** Seagate Homes Ltd
Proposal: Details of Landscape & Management Document (Condition 8 of H09-0287-24)
Location: Land Off Damgate Holbeach Spalding
Terminal Date: 30th January 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 8 of H09-0287-24 relating to a landscape and management document.

Site Description

The site was, at the time of the original approval, greenfield in nature and 8.41 hectare in size. The south and east at the site boundary was a watercourse and open fields beyond. To the north, the site abutted the rear gardens of development along Fleet Road, Damgate and Greenfields. To the west, the site fronted onto open playing fields. There are a number of protected trees within the site (Fleet and Holbeach Tree Preservation Order No. 1 1987) and large, mature trees to the south, east and west boundaries. There is a significant pond within the site. The trees are still present on site.

History

H09-0332-16 - Full application - Residential development - erection of 188 dwellings. Approved 3rd May 2018. Subject to a S106 agreement dated 2 May 2018.

H09-0523-20 - Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 H09-0332-16. Approved 3rd September 2020.

H09-0277-20 - TPO Tree Works - Works to Fleet and Holbeach Tree Preservation Order No. 1 198.

H09-0230-21 - S.191 Certificate of Lawful Use - The implementation of planning permission H09-0332-16 for residential development on land adjacent to Dam Gate, Holbeach, by works to lay out an access road and foundations for a garage. Approved 23 March 2021.

H09-1081-19 - Modification of 106 Agreement to reduce amount of affordable housing from 33.3% to 25% (Planning Approval H09-0332-16). Notice of Non Determination - 20th January 2023.

H09-0372-23 - Modification of S106 Agreement relating to the reduction of affordable housing. Approved 15.01.2024.

H09-0287-24 - S73 - Residential Development - Erection of 188 Dwellings - approved under H09-0332-16. Modification of Condition 2 to allow amendments to previously approved plans. Approved 08.08.2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Ecologist

"Having reviewed the landscape and management plan we are confident that it is appropriately detailed and are confident that the landscaping for this site will be well managed and maintained. Therefore we support the discharge of Condition 8 of H09-0287-24. "

Public Representations

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

Key Planning Considerations

Condition 8

Wording

"The development hereby permitted shall be carried out in accordance with the recommendations of the approved Ecology and Protected Species Survey (Scarborough Nixon Associates Limited, June 2016) approved under reference H09-0332-16 on 3rd May 2018.

In addition, before above ground work begins, details of the management of the following areas of landscaping, in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with Conditions 5, 6 and 7 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details:

- Biodiversity Management for the 9m strip adjacent to the IDB drain as shown on plan 10009-SGH-SL-AR-1001 Rev P03
- Long term management plan for newly planted trees, including management in dry periods for at least the first two years so that they can take advantage of the long daylight hours of spring and summer to establish root systems;
- Management of amenity space around the ponds, including for Biodiversity Net Gain, including protective fencing during construction periods to create Biodiversity islands that remain undisturbed;
- Management of areas within amenity space to sustain and enhance wildlife, including cutting regimes to retain longer grassed areas, shorter grass near paths to reduce fire hazards;
- Details of the management of the replacement comprehensive landscaping scheme agreed to replace the removal of trees as part of permission H09-0277-20, so that it is incorporated into the overall landscaping scheme as approved.

Reason: To ensure that adequate provision is made for maintenance of the those areas. This Condition is imposed in accordance with Policies 2, 3, and 28 of the South East Lincolnshire Local Plan, 2019."

Assessment

The submitted scheme of management offers broad principles for the maintenance of planting throughout the site as a whole, as opposed to the specified locations mentioned in Condition 8. That being said, if these overarching principles are sound, there is no particular reason why they would be inappropriate to be applied in the specified locations also.

The submitted details are considered acceptable. The submitted plan would ensure the good maintenance of the landscaping features throughout the site, enabling adequate growth and the creation of biodiversity enhancement areas. Whilst no special allowances are made for certain sections of the site, the submitted plan is robust enough to ensure the maintenance of these features, such as the wildlife corridor, for the prescribed period.

On balance, the level of detail provided is considered acceptable and it is considered that the requirements of the condition have been met.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The submitted details achieve the aims of the conditions and are considered acceptable. Condition 8 of H09-0287-24 can be discharged.

Recommendation

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