

Seagate Homes  
Pudding Lane  
Pinchbeck  
Spalding  
Lincolnshire  
PE11 3TJ

Council Offices  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE  
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## TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION

**Reference:** H11-0289-25 **Date of Decision:** 15th August 2025  
**Applicant:** Seagate Homes  
Pudding Lane  
Pinchbeck  
Spalding  
Lincolnshire  
PE11 3TJ  
**Location:** Land Off Lime Walk Long Sutton Spalding  
**Description:** Residential development comprising 48 dwellings approved under H11-0842-23 (allowed on Appeal). Modification of Condition 2 to allow amendments to previously approved plans and Conditions 17 and 18 relating to finished floor levels

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

- 1 The development must be begun not later than the 25 October 2028.

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

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

H11-0289-25

LWLS-SH-PD-LP-1000 A - Location Plan  
LWLS-SH-PD-SL-1001 C - Site Layout  
LWLS-SH-PD-SIP-1002 A - Site Information Plan

LWLS-SH-PD-BLP-1004 B - Boundary & Landscaping Plan  
 S153 V2 - 02 - Floor Plans & Elevations - House Type S153 V2 (3Terrace)  
 S213V3-01 - Plans & Elevations (Terrace Version) - Floor Plans & Elevations S213 V3 (Terrace) Rev A  
 S213V3-01 - Floor Plans & Elevations - House Type S213 V3  
 HT-S301 V5 - Floor Plans & Elevations - House Type - S301 V5  
 S303V4-01 - Floor Plans & Elevations - House Type - S303V4  
 HT-S305 V3-01 - Floor Plans & Elevations - House Type - S305 V3  
 S306 V3-01 - Floor Plans & Elevations - House Type - S306 V3  
 S308V3-01 - Floor Plans & Elevations (Boarding) - S308V3-01  
 HT-S312 V2-01 - Floor Plans & Elevations - House Type - S312 V2  
 S318V2, & S319V2 (AS) - 01 - Floor Plans House Type S318V2, S319V2  
 S318V2, & S319V2 (AS) - 02 - Elevations - Elevations House Types S318V2, S319V2  
 S318V2, & S319V2 (OPP) - 02 - Elevations - Elevations House Types S318V2, S319V2  
 S318V2, & S319V2 (OPP) - 01 - Plans OPP - Floor Plans House Type S318V2, S319V2  
 S409 V2 - 01B - Floor Plans & Elevations - S409 V2  
 HT-S430 V3-01 - Floor Plans - S430 V3  
 HT-S430 V3 - 02 - Elevations - House Type - S430 V3

#### H11-0418-25

LWLS-SH-PD-CMP-1020 Rev A Construction Management Plan  
 1st Issue 20.09.2023 Construction Method Statement

#### H11-0842-23

Drainage Strategy (Ref. 12700-WMS-ZZ-XX-D-C-39201-S8-P4) dated August 2023  
 Drainage Statement (Ref. 12700-WMS-ZZ-XX-T-C-39201-S8-P3) dated August 2023  
 Phase 1 Land Contamination Assessment by Reports4Planning (Ref. 225773CLR) dated 27 June 2022  
 Preliminary Ecological Appraisal Issue 2 by Arbtech dated 6 September 2023  
 Biodiversity Net Gain Assessment Issue 2 by Arbtech dated 20 September 2023  
 Pre-Development Tree Survey BS5837:2012 by Reports4Planning (Ref.225773ARB) dated 27 June 2022  
 Flood Risk Assessment by H A Architectural dated October 2022  
 Planning, Design and Access Statement prepared by Barmach Ltd dated September 2023

- 3 The development hereby permitted shall be carried out in accordance with the Construction Method Statement, as submitted and agreed in writing under reference H11-0418-25, unless otherwise agreed in writing with the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interest of amenity and highway safety

This condition is imposed in accordance with conditions 2 & 3 of the South East Lincolnshire Local Plan 2019.

- 4 No development shall commence until an assessment of the risks posed by any

contamination (including gases and water quality) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

- 5 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before any individual dwelling is occupied.
- 6 Prior to construction above ground level, a scheme for on-site foul water drainage works, including connection points and discharge rates, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.
- 7 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- provide details of the timetable for and any phasing of implementation for the drainage

scheme; and

- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

- 8 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.
- 9 Prior to any development above ground level, 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include native hedge planting along the north-eastern boundary of the site. The approved scheme 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.
- 10 Prior to any development above ground level, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site, calculated using the Biodiversity Metric 3.1 (or any successor) 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 development shall be undertaken and thereafter maintained in accordance with the approved details.
- 11 Prior to any development above ground level, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.
- 12 Prior to its installation, details of the proposed boundary treatment or screening, including a schedule of fencing levels, heights and materials, details of the size and species of any hedging and cross-sectional drawings, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.
- 13 Prior to the occupation of any dwelling hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives 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.

- 14 Prior to occupation of any dwelling details of the treatments, including the need for any retaining walls be erected along the western boundary of the site adjoining No. 36 Lime Walk shall be submitted to and agreed in writing with the Local Planning Authority. The agreed treatments shall thereafter be incorporated into the scheme and maintained in perpetuity.
- 15 A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.
- 16 Refuse and recycling collection points shall be provided in accordance with details shown on the approved plans before any dwelling to which they relate is occupied and shall thereafter be so maintained.
- 17 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, including/plus the following measures:
  - Finished floor levels shall be set at 3.40m AOD;
  - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

The mitigation measures shall be fully implemented prior to occupation of each dwelling.

Reason: To protect future residents from the risk of flooding

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

- 18 Notwithstanding any submitted details finished floor levels shall be set at 3.40m AOD and ground levels shall be at least 150mm below finished floor levels, unless otherwise approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Reason: To protect future residents from the risk of flooding

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

- 19 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.

Notes:

This planning permission is subject to a Unilateral Undertaking submitted as part of planning application H11-0842-23 (Appeal Ref: APP/A2525/W/23/3339842) and can only be implemented as a consequence of meeting the provisions of that Agreement.

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

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

### **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.



**Phil Norman**

**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 section for further information on 01775 764557 or [bcadmin@sholland.gov.uk](mailto: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](mailto: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://www.gov.uk/planning-inspectorate>. 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.