

Seagate Homes UK Ltd
Pudding Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3TJ

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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION

Reference: H11-1080-25 **Date of Decision:** 31st March 2026
Applicant: Seagate Homes UK Ltd
Pudding Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3TJ
Location: Land Off Lime Walk Long Sutton Spalding Lincolnshire
Description: Residential development comprising 48 dwellings approved under H11-0289-25. Modification of Conditions 17 & 18 to amend wording relating to finished floor levels and changes to mitigation measures set out within the agreed Flood Risk Assessment

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:

H11-1080-25

Application Form
ECL1760 - Flood Resilient Measures (Addendum) - 6 February 2026

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

H11-0842-23

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

H11-0418-25

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

H11-0935-25

LWLS-SH-PD-MP-1011 A - Material Distribution Plan
External Materials Schedule (B)

H11-0972-25

LWLS-SH-PD-BLP-1004 Rev A - Boundary, Landscaping & External Works 1 of 3
LWLS-SH-PD-BLP-1005 Rev A - Boundary, Landscaping & External Works 2 of 3
LWLS-SH-PD-BLP-1006 Rev A - Boundary, Landscaping & External Works 3 of 3
LWLS-SH-PD-POS-1008 - No. 36 Boundary - No 36 Lime Walk - Plot 48 Boundary

LWLS-SH-PD-POS-1007 - Rev C - Public Open Space Plan

Email from Agent dated 10th November 2025, confirming POS will ready for use when the last dwelling is complete.

H11-0979-25

20025-SGH-AR-9000 - Maintenance and Conveyance Plan

October 2025 - Public Open Space, Landscape & Management Plan

H11-0306-25

Brown Fisher Environmental Reports 4 Planning: Phase 1 Land Contamination Assessment: Report Ref: 225773CLR. Report Date: 27th June 2022.

H11-0590-25

LWLS-SH-PD-TPBE-1005 - Tree Planting and Biodiversity Enhancements

Biodiversity Gain Plan Form

Biodiversity Metric Calculation Tool

Final Issue 1 - Habitat Management and Monitoring Plan

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

- 2 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 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.

- 3 The development hereby permitted shall be carried out in accordance with the details of Contamination and Remediation Scheme (Conditions 4 and 5 of H11-0842-23) approved under planning permission H11-0306-25.

Reason: In the interest of protecting future residents from contamination

This condition is imposed in accordance with policy 30 of the South East Lincolnshire Local Plan 2019.

- 4 The development hereby permitted shall be carried out in accordance with the approved details of on-site foul water drainage and surface water drainage, including the finished floor levels shown on the approved layout plans (Conditions 6 & 7 of H11-0289-25), as approved under H11-0913-25. Any proposed variation to the approved finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority prior to implementation.

Reason: In the interest of protecting future residents from flooding and to ensure the development is satisfactorily drained.

This condition is imposed in accordance with policies 2, 3 & 4 of the South East Lincolnshire Local Plan 2019.

- 5 The development hereby permitted shall be made up of the external materials submitted to and approved under planning permission H11-0935-25. They shall thereafter be retained.

Reason: In the interest of character.

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

- 6 The development hereby permitted shall be carried out in accordance with the Details of landscaping & tree planting, a plan illustrating all areas of publicly accessible open space, boundary treatment or screening and details of treatments including the need for any retaining walls to be erected along the western boundary of the site adjoining 36 Lime Walk (Conditions 9, 11, 12 & 14 of H11-0289-25), as approved under H11-0972-25.

These matters, including the erection of all boundary treatments shall occur prior to the first occupation of the dwellings.

Reason: In the interest of character, amenity and ecology.

This condition is imposed in accordance with policies 2, 3, 28 & 30 of the South East Lincolnshire Local Plan 2019.

- 7 The development hereby approved shall be carried out in accordance with the details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23)., as approved under planning application H11-0590-25.

Reason: In the interest of ecology.

This condition is imposed in accordance with policy 28 of the South East Lincolnshire Local Plan 2019.

- 8 The management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be carried out in accordance with the details agreed under planning application H11-0979-25 (Conditions 13 and 15 of H11-0289-25).

Reason: In the interest of character, amenity and to ensure the development meets the functional needs of its residents

This condition is imposed in accordance with policies 2, 3 & 30 of the South East Lincolnshire Local Plan 2019.

- 9 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.

Reason: In the interest of amenity and to ensure the development meets the functional needs of its residents

This condition is imposed in accordance with policies 2, 3 & 30 of the South East Lincolnshire Local Plan 2019.

- 10 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (Flood Resilient Measures, dated 6th February) 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 no lower than 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.

- 11 Notwithstanding any submitted details, finished floor levels shall be set no lower than 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.

- 12 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: In the interests of sustainability.

This condition is imposed in accordance with Policies 2 and 3 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 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.

This planning permission is subject to a Legal Agreement under Section 106 of the Town & Country Planning Act 1990 dated 28th August 2024 (H11-0842-23 - Appeal Ref: APP/A2525/W/23/3339842), as varied by a deed of variations dated 27th February 2026 (H11-1115-25) and can only be implemented as a consequence of meeting the provisions of those Agreements.



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.