DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0224-25**	**Applicant:**	**Seagate Homes Ltd**
Proposal:	Details of areas of publicly accessible open space, management & maintenance schedule for the areas of landscaping, in line with the Biodiversity Metric 4 calculations & cycle rack (Conditions 24, 25 & 26 of H16-0136-23)		
Location:	Ivanda Nursery Monks House Lane Spalding		
Terminal Date:	26th May 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 9: Promoting Sustainable Transport
Section 12: Achieving Well-designed Places
Section 15: Conserving and Enhancing the Natural Environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application seeks approval of the details in respect of Conditions 24, 25 and 26 of H16-0136-23.

Condition 24 requires the submission and approval of a plan illustrating all areas of publicly

accessible open space that is to be managed in accordance with the Biodiversity Metric 4 calculations submitted as part of the development. Condition 25 requires details of the management and maintenance schedule for the areas of landscaping, in accordance with the Biodiversity Metric 4 calculations, to be submitted to and approved in writing by the local planning authority. Condition 26 requires the provision of a cycle rack for each dwelling which does not have a garage, the position of which is to be approved in writing by the local planning authority.

Site Description

The site relates to a former nursery located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings, including the demolition of the existing glasshouses.

History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.
H16-0885-24: Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23) :Approved 07.11.2024.
H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents (Condition 27 of H16-0136-23). Approved 08.04.2025.
H16-0220-25: Details of external materials of construction of buildings and hard surfaced areas (Condition 09 of H16-0136-23).. Approved 08.04.2025.
H16-0222-25: Details of foul water disposal and surface water disposal (Condition 17 and 18 of H16-0136-23). Approved 23.04.2025.

Consultation Responses

Pedals

No response received.

Senior Ecologist South East Lincolnshire Councils Partnership

Overall, the plans are sufficiently detailed and well-designed such that adherence to the plans will meet the conditions imposed on permission H16-0136-23.

Planning Considerations

Condition 24 Wording

Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space, that is to be managed in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with Conditions 11 and 14 and 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.

The reason for the condition is:

To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

Condition 24 Detail

The submitted plans demonstrate that adequate levels of open space will be provided within the site to serve the occupants of the development. The Council's Ecologist has also advised biodiversity measures such as swift, bat, house sparrow and house martin boxes and log piles are also to be adequately provided for and located.

Condition 25 Wording

Before the commencement of development, with the exception of demolition, hereby permitted, details of the management and maintenance schedule for the areas of landscaping, in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with Conditions 11 and 14, including 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.

The retained landscaping strip as shown on plan MHL-SH-PD-SL-1002 G shall be maintained in for a period of 30 years post development as part of a Landscape and Ecological Management Plan in line with the Biodiversity Metric 4 calculations.

The reason for the condition is:

To ensure that adequate provision is made for the management and maintenance of the those areas.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

Condition 25 Detail

The Council's Ecologist considers the submitted plans are sufficiently detailed and well-designed. The Ecologist however requested a minor amendment to the submitted 'Landscape and Management Plan' and the 'Landscape Phasing Plan' to provide for additional cuts throughout the year, at the discretion of the appointed management company, excluding 1sr April-15th July to allow flowering and seed to set. These revisions were to ensure that the biodiversity provision targets within the metric calculations are achieved.

Amended landscape documents were subsequently received which accord with the requirements of the Council's Ecologist.

Condition 26 Wording

Prior to the occupation of the development hereby permitted a cycle rack for each dwelling which does not have a garage (either wall mounted, Sheffield stands or similar, or shared vertical cycle parking) shall be provided in positions which shall be approved in writing by the Local Planning Authority.

The reason for the condition is:

To ensure that adequate secure facilities are provided for cyclists using the site.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

Condition 26 Detail

The submitted drawings show the provision of two bike racks to serve each dwelling. These are appropriately located to the side or rear of the house, adjacent to existing drive, pathways and garages.

Conclusion

The submitted details are considered acceptable.

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.

Recommendation

Conditions 24, 25 and 26 of application H16-0136-23 are discharged.