

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0734-25 **Applicant:** Tulip-Fields Homes Ltd

Proposal: Details of foul and surface water disposal, biodiversity gain plan, 30-year Habitat Management and Maintenance Plan (HMMP) (Conditions 4, 7 and 8 of H16-0514-25)

Location: Off Chaucers Way Spalding Lincolnshire

Terminal Date: 23rd September 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 4, 7, and 8, as well as the standard biodiversity net gain condition, of H16-0514-25, relating to foul and surface water disposal, a biodiversity gain plan, and a 30-year Habitat Management and Maintenance Plan (HMMP).

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The plot is located opposite the junction of Pilgrims Way and Chaucer's Way, towards the west of the settlement. Currently, the site is used for parking, with a detached garage to the rear of the site.

Relevant History

H16-0514-25 - Full - Proposed Residential Development. Approved 24/07/25.

H16-0232-22 - Full - Residential Development - Erection of Dwelling. Approved 29/04/22.

H16-1054-19 - Condition Discharge - Details of external materials, design and position of external boxes, gas flues etc and ground gas protection measures (Conditions 3, 4 and 6 of H16-0662-19). Approved 27/11/19.

H16-0662-19 - Full - Erection of detached dwelling. Approved 15/08/19.

H16-0366-08 -Full - Proposed replacement garage/store. Approved 27/05/08.

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:

Highway and Lead Local Flood Authority

"The conditions for discharge are not conditions requested by Lincolnshire County Council nor do they have an impact on the public highway."

Senior Ecologist

Documents reviewed:

- Biodiversity gain plan
- Habitat Management and Monitoring Plan

The applicants have provided sufficient information within this application such that the authority can be confident that 10% mandatory net gain will be achieved by this development. Therefore, we support discharging the biodiversity gain condition for this development. In addition, we support the management details provided within the HMMP, but note that the management of areas occurring within domestic curtilage cannot be legally secured over the 30 year period, and can vary as per property development rights.

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 4

Wording

"Before any development beyond oversight is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems."

Assessment

It is proposed that surface water would be disposed of via soakaways within the rear gardens. Foul water would be connected to a main sewer located to the front of the properties.

Given the scale of development, both methods are considered appropriate. As such, Condition 4 can be discharged.

Condition 7

Wording

"The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then

be carried out in accordance with the details as approved. "

Assessment

Given the scale and nature of the proposal, the submitted gain plan appears proportionate and appropriate. The necessary 10% net gain can be achieved in this instance and the condition can be discharged.

By extension, the standard biodiversity gain condition, required under Schedule 7A of the Town and Country Planning Act, 1990, may also be discharged.

Condition 8

Wording

"Prior to any vegetation clearance (defined as the deliberate removal of any semi-natural vegetative habitat e.g., grassland, trees, and native shrubs); or prior to the commencement of any development hereby permitted (whichever comes first); a written 30-year Habitat Management and Maintenance Plan (HMMP) for the Site in question shall be submitted to and approved in writing by the Local Planning Authority.

The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain:

- A) Aims, objectives and targets for management, including habitat target conditions matching the Statutory Biodiversity Metric submitted with the application.
- B) Details of the phasing and implementation of the habitats
- C) Details of the management operations necessary to achieving aims and objectives.
- D) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.
- E) Details of the monitoring needed to measure the effectiveness of management and details of an assessment as to whether the target condition is achieved within the time to target period specified within the approved metric.
- F) Details of the persons responsible for the implementation and monitoring.
- G) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets."

Assessment

The proposed HMMP would ensure the proper maintenance of the biodiversity enhancement measures for their lifetime. The Partnership's ecologist has indicated that the HMMP is proportionate and suitable. As such, the condition can be discharged.

Conclusion

The details provided are considered acceptable and therefore Conditions 4, 7, 8 and the standard biodiversity gain condition can be 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.

Recommendation

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