DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1069-25**	**Applicant:**	**Mr N Shortland**
Proposal:	Details of landscaping & tree planting, means of foul & surface water disposal to separate systems & ecological biodiversity measures (Conditions 3, 6 & 7 of H07-0112-23)		
Location:	West Drove South Gedney Hill Spalding		
Terminal Date:	29th December 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 3, 6 & 7 of H07-0112-23, relating to landscaping & tree planting, means of foul & surface water disposal to separate systems & ecological biodiversity measures.

Site Description

The existing building, which is asbestos/fibre cement clad, is part of Windy Nook Nursery located on the western side of West Drove South. Glasshouses are located to the north and west and an associated dwelling to the south. New houses are situated to the east fronting West Drove South.

Relevant History

H07-0244-20 - PAA - Change of use of barn to residential - Approved 4 June 2020.

H07-0583-22 - PAA - Change of use of barn to residential dwelling - previously approved under H07-0244-20 - Approved 3 August 2022.

H07-0112-23 - Full - Demolition of existing barn and erection of dwelling - Approved 3rd April 2023.

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

No objection: "The Details of landscaping & tree planting, means of foul & surface water disposal to separate systems & ecological biodiversity measures (Conditions 3, 6 & 7 of H07-0112-23) are acceptable in accordance with approved drawings and details submitted with this application."

South Holland Internal Drainage Board

Outline the parameters whereby consent from the board may be required

SELCP Ecologist

Having reviewed the Ecology Management Scheme and Proposed Site Plan for this site, we support the
discharge of conditions 3 and 7 for the application: H07-0112-23.

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 3

Wording

"Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority 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.

Note: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor)."

Assessment

It is proposed that two trees (one birch and whitebeam) would be planted alongside a shrubbery area. A 1.2m post and rail fence would run along the southern boundary, joining onto a 1.8m close-board timber fence on the north, east and west boundaries. A gravel drive is proposed. The rest of the site would be left to vegetated garden.

Whilst a metric has not been provided, it is clear that the proposal would achieve net gain. It should

be noted that Condition 3 was imposed under Policy 28 of the SELLP, prior to the introduction of mandatory net gain. Policy 28 did not specify a level of gain required.

On this basis, the details provided are considered acceptable, and Condition 3 of H07-0112-23 can be discharged.

Condition 6

Wording

"Prior to commencement of the development beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems 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 a soakaway in the garden. Given the scale of development, and the existing high level of sealed surfaces on the site, the details provided are considered acceptable.

Foul water is to be disposed of via a package treatment plant in the rear garden. Given the location of the site, this method is considered acceptable given the inability to connect onto public sewers.

The details provided are considered to be acceptable and Condition 6 can be discharged.

Condition 7

Wording

"Prior to commencement of the development beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained."

Assessment

It is proposed that two bird boxes, two bat boxes and a minimum of six swift bricks would be installed on the site. Locations of where these items would be installed have not been provided. That being said, the condition was imposed under the provisions of Policy 28 of the Local Plan, which does not outline a minimum level of net gain required. On this basis, it is considered that the measures would provide a gain, and therefore would meet the requirements of Policy 28.

The proposed measures are considered to be acceptable and Condition 7 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.

Conclusion

The details provided are considered acceptable and Condition 3, 6 and 7 can be discharged.

Recommendation

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