DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-1087-25**	**Applicant:**	**AMP Clean Energy**
Proposal:	Details of landscaping scheme & boundary treatments (Conditions 4 & 5 of H08-0113-25)		
Location:	Land At Whitehall/Belchmire Lane Gosberton Spalding		
Terminal Date:	1st January 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 4 and 5 of H08-0113-25 relating to landscaping and boundary treatments.

Site Description

The site is within a residential area with properties to the north, south and west. To the east are residential garages and immediately west is an area of public open space. Other street furniture, such as streetlights, were noted in the vicinity.

Relevant History

H08-0469-24 - Full - Construction and operation of a micro energy storage facility - Approved 19th September 2024

H08-0469-24 - S73 - Construction and operation of a micro energy storage facility - approved under H08-0469-24. Modification of Conditions 2 & 3 to allow amendments to previously approved plans - Approved 3rd April 2025

Consultation Responses

The Local Planning Authority (LPA) has discretion regarding those in which they consider appropriate to consult for applications to discharge conditions. Due to the nature of the submitted

details, it was not considered necessary to consult any specific statutory consultees in this instance.

Planning Considerations

Condition Wording

Condition 4

Condition 4 reads as follows:

"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 (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. 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".

This condition was attached to ensure that "the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved".

Condition 5

Condition 5 reads as follows:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter".

This condition was attached in "the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers".

Condition Details and Assessment

The submitted details illustrate the erection of steel wire fencing, to be sited around the southern permitter of the micro energy box and concrete base. Beyond this, the submitted details show landscaping, in the form of shrub and hedgerow planting, to be located on the east side of the proposed development, towards the boundary with 27 Belchmire Lane.

The submitted supporting statement explains that the hedgerow shall comprise one of either Photinia x fraseri 'Red Robin', Prunus laurocerasus Rotundifolia ('laurel hedging') or a Native variety Carpinus betulus ('hornbeam')'. The hedgerow is to be planted with a minimum bed width of 1m.

The supporting statement continues by detailing that *"Shrubs are to be planted at a density of 3 per m² using 3L pots. Verbena to be planted in groups of 3, spaced 300mm apart, interspersed among shrubs. Smaller plants (ornamental species: 60-80cm whips) to be planted at a higher density of 300mm apart; native species in double staggered rows, 300mm apart, and 300mm between rows, to enhance establishment rates"*.

This goes on to detail that *"Planting beds to be a minimum of 1m wide, encircling the Battery Box units and extending along all boundaries, except that with the cabinet and fence door"*.

In respect of maintenance, it is detailed that:
"- Duration: Annual maintenance, beginning after planting in the first season post-development (e.g., Autumn 2025).
- Maintenance Activities: Watering during establishment, mulching to retain moisture, and annual pruning to maintain shape and health
- Replacement of Losses: Failed plants will be replaced with matching species and sizes in the next planting season

- Responsibility: AMP Clean Energy".

These details are appropriate for the setting and are considered to be suitable for the character of the area and neighbouring residents, whilst ensuring adequate function and appropriate visual amenity. Whilst the landscaping would not screen the south of the site, which would be the most prominent location of the development, it would still provide a good level of screening from movements coming from the north-west and the neighbouring residential dwelling. Given the existing landscaping in the area, overly large planting to the front of the site would likely appear more out of character than the proposed fencing.

These details are therefore 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.

Conclusion

The submitted details in relation to the condition pursuant to this application, comprising conditions 4 (Landscaping) and 5 (Boundary Treatments), are acceptable and can be discharged.

Recommendation

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