

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H11-0972-25                      **Applicant:** Seagate Homes

**Proposal:** 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)

**Location:** Land At Lime Walk Long Sutton Spalding

**Terminal Date:** 4th December 2025

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

02                      Development Management  
03                      Design of New Development  
30                      Pollution

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development  
Section 4 - Decision-Making  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
HIGHWAYS & SUDS SUPPORT	0	0	0	1

**CASE OFFICER ASSESSMENT**

**Proposal**

This is a discharge of conditions application providing 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).

## Site Description

The application site relates to a housing allocation Los008 (which abuts Los026). The allocation site area is 1.72ha approximately (though this includes an existing dwelling and its curtilage) and the allocation sets a capacity for 34 number dwellings.

Number 36 Lime Walk is located immediately to the west. Phase 1 (70 dwellings) is located to the south west on the opposite side of a LCC footpath and estate (Anfield Road/Magpie Close). A play area is located to the south east and thereafter residential properties off St John Swains Way.

The application site abuts the open countryside along its northern boundary and recreational open space to its east. To the south the settlement is located and Lime Walk runs along the west.

## History

H11-0994-FULL - Residential Development comprising of 56 dwellings. Appeal Allowed

H11-0842-23 - Residential development comprising 48 dwellings - re-submission of H11-0994-22. Allowed at Appeal

H11-0418-25 - Details of Construction Method Statement (Condition 3 of H11-0842-23). Approved 25-06-25

H11-0289-25 - Residential development comprising 48 dwellings approved under H11-0842-23 (allowed on Appeal). Modification of Condition 2 to allow amendments to previously approved plans and Conditions 17 and 18 relating to finished floor levels. Approved 15-08-25

H11-0590-25 - Details of Biodiversity Net Gain Plan (Condition 10 of H11-0842-23) - approved on Appeal. Approved 05-08-25

H11-0979-25 - Details of management plan, management and maintenance schedule (Conditions 13 and 15 of H11-0289-25). Pending

## Consultation Responses

### Highways & SuDs Support

No Objections - Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments: The Highway and Lead Local Flood Authority does not wish to make comment on Condition no. 9, 11, 12 & 14 as this was not requested by ourselves and the authority has no objection to its discharge.

## Planning Considerations

### Condition 9

The Condition requires:

*Prior to any development above ground level, 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include native hedge planting along the north-eastern boundary of the site. The approved scheme 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.*

The applicant has provided

-Boundary, Landscaping & External Works (x3 number plans)

Drawing (LWLS-SH-PD-BLP-1005 Rev A) shows the location of private gardens, POS/Green Space, management company green space, principal highway, private drives footpaths, bin storage and bin collection points. The management of the planting within private gardens will likely be the responsibility of future homeowners and POS, management which is controlled by condition 15 (of the same permission) and being considered under a pending application.

The information then, presented in these plans is considered acceptable to discharge the said condition.

#### Condition 11

The Condition requires:

*Prior to any development above ground level, a plan illustrating all areas of publicly accessible open space 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 applicant has provided

-Boundary, Landscaping & External Works (x3 number plans)

All areas of public open space have been shown on plan which effectively relate to an area located centrally on the southern boundary. The plans show how this area (as well as the attenuation area) will be laid out. In terms of being useable the applicant has confirmed, by email dated 10th November that "The Public open space will be ready to use at the end of the site so after the 48 dwellings are constructed.". The LPA take this to mean that the POS will be functional for all residents on completion of the 48th dwelling, this is acceptable.

Therefore, sufficient information has been provided to discharge the said condition.

#### Condition 12

The Condition requires:

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

The applicant has provided:

-Boundary, Landscaping & External Work  
-Plot 48 Boundary

The scheme of boundary treatments are considered acceptable. The above plans provide sufficient information to discharge the said condition.

#### Condition 14

The Condition requires:

*Prior to occupation of any dwelling details of the treatments, including the need for any retaining walls be erected along the western boundary of the site adjoining No. 36 Lime Walk shall be submitted to and agreed in writing with the Local Planning Authority. The agreed treatments shall thereafter be incorporated into the scheme and maintained in perpetuity.*

The applicant has provided:

-Plot 48 Boundary

The plans provided both cross sectional drawings as well as site plan that shows a 1.8m fence (made up of 1.5m close boarded and 300mm of trellis) that exists on this boundary. The applicant has shown that this will be retained. The approach is 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**

Conditions 9, 11, 12 & 14 of H11-0289-25 are hereby discharged.