

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0221-25      **Applicant:** Seagate Homes Ltd  
**Proposal:** Details of landscaping & tree planting (Condition 11 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
- 28 The Natural Environment

#### National Guidance

#### National Planning Policy Framework December 2024

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

### Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

### CASE OFFICER ASSESSMENT

#### Proposal

The application seeks approval of the details in respect of Condition 11 of planning permission H16-0136-23. Condition 11 requires the approval of a scheme of landscaping and tree planting for the site, the condition also states that there should be no tree planting south of the 9m easement to the Edward Drain.

#### 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

### Welland and Deepings Internal Drainage Board

Object due to trees being placed within or very close to the Board's 9metres bylaw distance.

## Planning Considerations

### Condition 11 Wording

Notwithstanding the submitted details 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, 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.

Additional tree planting shall not take place south of the 9m easement to the Edward Drain in line with Condition 8.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 4 (or any successor).

The reason for the condition is:

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.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

### Condition 11 Detail

The Internal Drainage Board (IDB) objected to the landscaping scheme as this showed the planting of trees within or very close to the Board's nine metre bylaw distance. The applicant raised concern at the objection from the IDB, and stated that had had several discussions with the IDB on this matter, and that the plans had been subsequently amended to reflect the requirements of the IDB with regards to planting within their easement.

Having reviewed the submitted plans with the applicant, it was clearly apparent that those submitted as part of the application were not the up-to-date proposal. The applicant subsequently submitted the revised and up-to-date plans for consideration.

The IDB has been re-consulted on these drawings and have confirmed these are acceptable and have subsequently withdrawn their objection to the discharge of the condition. In relation to the comments the IDB make in respect of the provision of a gate within the rail fence, the IDB have been advised such provision in beyond the requirements of the terms of the condition.

As required under the terms of Condition 11, the landscaping drawings provide details of the location, species, girth, height and number of trees, shrubs and hedging to be planted. The planting outside the garden area of residential properties is to be managed by contractors, these are specified, along with their responsibilities as part of the Landscape and Management Plan approved under application reference H16-0224-25.

## 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

Condition 11 of application reference H16-0136-23 is discharged.