

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0047-22 **Applicant:** Mr G Franklin

Proposal: Details of root barrier along southern boundary (Condition 5 of H05-0982-21)

Location: Mill House Farm Roman Bank Fleet

Terminal Date: 17th March 2022

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 2021

Section 12. Achieving well-designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 5 of H05-0982-21 (details of root barrier along southern boundary)

Site Description

The site is part of Mill House Farm, which is a large modern agricultural produce storage base consisting of an existing range of purpose made buildings which provide cold storage for third party agricultural produce and for the applicant's own produce, together with grading equipment. Vehicular access is off Roman Bank.

Mill House (grade II listed) is situated to the south fronting onto Roman Bank, including

outbuildings/stables at the side and rear of the property. A house (Mill House Farm) is located immediately opposite. A bungalow (Mill Lodge) is situated some 100 metres to the west. Smiths Farm is approximately 300 metres to the east.

Recent History

H05-0851-20 - Full - Erection of building for storage of agricultural produce and/or agricultural machinery - Withdrawn 26 February 2021.

H05-0063-21 - S191 LUC - Use of site for storage of agricultural produce - Approved 15 March 2021

H05-0474-21 - S192 - Proposed extension to existing agricultural produce store - Approved 29 June 2021.

H05-0982-21 - Full - Proposed agricultural produce store - re-submission of H05-0851-20 - Granted 17 January 2022.

Consultation Responses

Nature Conservation Officer

Comments received regarding the integrity of the root barrier.

Planning Considerations

The submitted details indicate that a trench would be dug 1.1 metres in depth to accommodate the root barrier system. The latter would be a Green-tech gtRootbarrier 325, which is "manufactured using a unique coating to make it totally impermeable" the specification indicates that it "effectively controls the roots whilst protecting the tree roots from pollutants and acids in the soil".

The barrier is guaranteed for 25 years. The agent has indicated that even at this point it is unlikely to ever need renewing as by then the roots will have largely become established and are therefore less likely to do damage. Notwithstanding this fact, the Nature Conservation Officer has requested conditions to ensure indefinite continuity of the barrier and replacement of any trees that are replaced.

The proposed tree barrier appears to be a high spec system and as such is considered to be satisfactory. Conditions cannot be imposed concerning its replacement if it eventually breaks down because this application is a condition compliance application. It is therefore recommended that a note be attached.

Conclusion

That condition 5 of H05-0982-21 be discharged with a note attached as outlined above.

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.