DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0025-25**	**Applicant:**	**Hexagon Care Services Ltd**
Proposal:	Details of boundary treatments (Condition 5 of H09-0572-24)		
Location:	Three Chestnuts Fen Road Holbeach		
Terminal Date:	6th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of boundary treatments which was a requirement of condition 5 of H09-0572-24.

Site Description

The site which relates to a former care home is located outside of defined settlements in the open countryside. The site is accessed via the B1168 Fen Road. The property benefits from a large area of hardstanding for vehicular parking with suitable turning area to enter and leave the site in forward facing gear. Grass / garden amenity areas are located to the perimeter of the property.

One metre high post and rail fencing, hedgerows and scattered trees form the boundary treatment to the application site.

The nearest dwellings are Mill House - 228 metres to the west, Pennington Farm - 168 metres to

the south and Greenacres - 656 metres to the north-east.

The site is located in Environment Agency Flood Zone 3, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

The site benefits from planning permission to function as an educational facility, secured under permissions H09-1133-23 & H09-0572-24.

Relevant History

H09-0572-24 - Change of use of children's care home (Use Class C2 Residential Institutions) to an independent school - Learning and Non-Residential Institution (Use Class F1 (A) Provision of Education) - approved under H09-1133-23. Modification of Condition 2 to allow amendments to previously approved plans - Approved 27-09-24

Previous history

H09-0563-02 Full - Erect two storey extension and alteration to existing access - Approved - 30 July 2002.
H09-1204-02 Full - Erection of conservatory to side elevation - Approved - 03 January 2003.
H09-1230-04 Section 191 Lawful Use Certificate - Use of premises as a Children's home for up to six persons living together as a single household (Use Class C3) - Approved - 12 November 2004.
H09-1042-17 - Full - Erection of two storey extension and use of premises as a care home under Use Class C2 - Approved - 06 December 2017.
H09-1133-23 - Change of use of children's care home (Use Class C2 Residential Institutions) to an independent school - Learning and Non-Residential Institution (Use Class F1 (A) Provision of Education). Approved 02-04-24

Consultation Responses

No consultations were carried out

Planning Considerations

Condition 5 - Boundary Treatments

The condition requires:

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. Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place

The applicant has submitted the following information:

- Existing & Proposed Site Plans (Revised)
- Boundary Treatment Elevations

The specification for the proposed boundary treatments are as follows:

- 1.8m High timber hit and miss (3" gap to pales) fencing to the perimeter of the application site to include lockable timber vehicle access gate to far end of garden and 2.4m wide, 1.2 high timber field gate as indicated on 2313 - A01. This fence is located behind existing road site planting; the applicant has submitted revised plan showing this scenario.

- 0.9m High timber picket fence and timber gates to create vegetable garden area and orchard area as indicated on 2313 - A01.

Impact upon Character

SELLP Policy 2 point 1 states that proposal should meet with sustainable development

considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

SELLP Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

The applicant shows on plan that the site will be treated by a high 1.8m hit and miss fence. An updated site plan has been received to show that this fence will be screened by existing roadside planting. The plan shows that this will be retained. The height of the fence is required for the security of young people using the site.

Given the retention of roadside planting shown on the updated plan, which works in softening the fence this proposal is considered acceptable.

On this basis it is considered that the approach to the fencing is acceptable.

Conclusion

Condition 5 of H09-0572-24 is therefore 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.