DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0626-25**	**Applicant:**	**Mrs F White-Andrew**
Proposal:	Details of proposed boundary treatments, lighting, waste bin designs, location and means of waste collection (Conditions 3, 6 and 7 of H11-0784-23)		
Location:	Chase Farm 4 Vicarage Lane Long Sutton		
Terminal Date:	1st September 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 3, 6 and 7 of permission H11-0784-23.

Permission H11-0784-23 granted consent for use of the site for dog walking, including proposed fencing.

Site Description

The site is currently bordered by post and rail fencing to the north, with trees and hedging to the west, adjacent to the vehicular access serving Chase Farm. There are open boundaries to the east and south.

There are residential dwellings including 1, 2 and 3 Summer Lane located 33m to the west of the site. The Bungalow at 3 Vicarage Lane is located approximately 20m to the north-west of the site.

There is a grade II listed building, Seagate Hall, located 50m to the north-west of the site.

Relevant Planning History

H11-0784-23: (Full Application) Use of land for dog walking including proposed fencing - approved 14 February 2024

H11-0732-24: (Discharge of Conditions) Details of boundary treatments, proposed lighting & waste bin designs, location & means of waste collection (Conditions 3, 6 & 7 of H11-0784-23) - refused 11 October 2024

Consultation Responses

Environmental Protection: No comments.

Conservation Officer: No response received.

Lincolnshire County Council's - Highways and SUDS: No response received.

Whilst no responses have been received from the Conservation Officer or from LCC's Highways Team, these consultees responded to the previous application to discharge the conditions under reference H11-0732-24. Their responses were as follows:

Conservation Officer: No objections - I do not feel that the matter of these conditions bears an impact upon the historic environment. However, the details provided are too scant to make any definitive assessment

Lincolnshire County Council's - Highways and SUDS: No objections. The conditions referred to were not highway requested conditions.

Key Planning Considerations

Condition 3 reads as follows:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights, siting 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.

Reason: 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.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

No landscaping or planting is proposed. There are some trees near the site boundaries and these would be retained.

Post and wire mesh fencing is proposed around the site measuring 1.83m in height. Although the proposed fencing is taller than the existing fencing around the site, the visual impact is considered to be acceptable. Wire and mesh fencing is occasionally seen within rural environments and furthermore, as the fencing does not exceed 2m it could be installed using permitted development rights.

An entrance gate is proposed near the north-western corner of the site to allow access into the site. The positioning of the gate aligns with the approved site plan from the original permission H11-0784-23. The gate is proposed to measure 1.2m in height and to feature wire mesh and metal posts. The visual impact is acceptable on balance. Another metal gate is proposed on the southern boundary and the positioning of this gate also approximately aligns with the approved site plan. This gate is proposed for maintenance purposes only as customers would not use this gate for vehicular access.

It is considered that the fencing would have an acceptable impact on the setting of Seagate Hall, which is a grade II listed building. The site is only partially visible from the hall and the proposed fencing would not significantly alter or harm the character and appearance of the area.

Therefore, the details submitted for condition 5 are acceptable.

Condition 6 reads as follows:

"Prior to first operation of the approved use, full details of the proposed lighting 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.

No other floodlights or forms of external lighting shall be installed to serve the proposed use/development without first obtaining prior written permission from the Local Planning Authority.

Reason: In the interests of amenity and to avoid light pollution.
This Condition is imposed in accordance with Policies 2 ,3 and 30 of the South East Lincolnshire Local Plan, 2019."

Four flood light poles are proposed along the site boundaries, approximately halfway along each of the boundaries. The approved site plan showed, indicatively, two flood light poles along the eastern boundary and two poles along the western boundary. The flood lights would measure 3.2m in height and would be directed downwards into the site, so as not to spill light upward. The lights are PIR activated with an adjustable timer. The council's environmental health team have set out no objections or comments on the proposed lighting. The lighting arrangements are acceptable.

Condition 7 reads as follows:

"Prior to first operation of the approved use, full details of the waste bin designs, location and means of waste collection 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.

Reason: In the interests of amenity and to avoid pollution.
This Condition is imposed in accordance with Policies 2 ,3 and 30 of the South East Lincolnshire Local Plan, 2019."

Two waste bins are proposed within the car park area. The bins are not adjacent to any neighbouring dwellings and the positioning and number of bins is considered to be 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 details address the requirements of conditions 3, 6 and 7 of permission H11-0784-23.

Recommendation

Discharge conditions 3, 6 and 7.