DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0732-24**	**Applicant:**	**Mrs F White**
Proposal:	Details of boundary treatments, proposed lighting & waste bin designs, location & means of waste collection (Conditions 3, 6 & 7 of H11-0784-23)		
Location:	Chase Farm 4 Vicarage Lane Long Sutton		
Terminal Date:	30th October 2024		

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2023

12 Achieving well designed and beautiful places.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of boundary treatments, proposed lighting & waste bin designs, location & means of waste collection (Conditions 3, 6 & 7 of H11-0784-23).

Site Description

As host consent.

History

Consultation Responses

SHDC Environmental Protection

Condition compliance accepted.

Lead Local Flood & Highway Authority

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.

SHDC 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.

Planning Considerations

Condition 3 Wording

"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."

Condition 3 Detail

The sole submission plan relates to a 1:1250 block plan with a red line plan and a blue line plan, unannotated, with 7 circles around the edges - with no indication what the circles represent.

There are no elevations, no detailed drawings showing what the fencing would look like, no indication of materials, no levels information, no indication what the construction of gates look like, what the finished treatment is, no height or levels information.

The information should have been drawn to scale showing the height of the proposed fencing and details of materials and levels.

Section 6 of the application form contains hand written information that is not completely legible, containing some information referring to stakes - 4-5 inches, 6 foot high 2.5mm wire, 50 x 50 galvanised mesh, steel framed gates. There is no plan to show any detail associated with the exact information about where the fencing will be, its height at the particular location. It is unclear about

the design. The finish of the gates is unclear. This is unclear and not specific in terms of location.

The reason why details are required is to show the design, materials and appearance of the fencing, to ascertain would the fencing be acceptable within the immediate area, or would it result in visual intrusion.

This is insufficient information to discharge this condition because the details do not show what the fencing would look like, there are no scaled elevations and there is no materials schedule. The same applies to the gates.

The details need to show well designed fencing in appropriate materials that are visually attractive.

The lack of this information means that the details of fencing cannot be discharged.

Condition 6 Wording

"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."

Condition 6 Detail

As above, the circles on the block plan may well be trying to show the location of the lighting but there is not enough detail of the lighting specification, its size, its height above ground, how they are fixed and what they would be fixed to, whether the lights are hooded or any other information about its intensity, make or model of lighting, what the spread of the lighting would be, its fall, whether directed to the ground or if light spillage into the sky would occur. Lighting for this type of use should be minimised and should not be of an intensity that results in light pollution. Lighting should be hooded, should be set at a low level above ground and should be directed towards the ground. No details illustrating this have been submitted.
There is insufficient details associated with this condition as as result.

The purpose of requiring details is to demonstrate that lighting would not adversely affect the character or the area or any nearby uses or residential properties, and that there are controls on the lighting that, in design terms, limit light spillage and intensity.

The submitted details fail to demonstrate this and as a result, the details associated with lighting cannot be discharged.

This aspect of the condition cannot be discharged.

Condition 7 Wording

"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."

Condition 7 Detail

The number, dimensions, materials, height and width and position of the waste bins has not been sufficiently specified.

The details of the waste collection company, how often they will collect the waste and on what days have not been specified.

Details of if the waste bins are pole mounted on set to the ground have not been specified.

The reason for imposing a condition such as this is to ensure that the proposals do not detract from the immediate environment, that they demonstrate that the site can be kept clean and tidy, and that the design of the bins are in keeping with the setting.

Insufficient detail has been submitted and therefore this aspect of the proposal cannot be discharged.

Conclusion

Insufficient detail has been submitted to discharge fencing, lighting and waste bin storage and collection and as a result, the proposals are not acceptable and cannot be discharged.

It is recommended that the details are refused consent.

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.