

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0141-24 **Applicant:** Keston Fields Ltd
Proposal: Details of boundary treatment (Condition 6 of H14-0355-17)
Location: Keston Nurseries Mill Green Road Pinchbeck
Terminal Date: 19th April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application seeking the discharge of condition 6 relating to planning application H14-0355-17. The condition relates to:

-Boundary Treatments

Site Description

The site is located to the south and east of Mill Green Road and west of the rail line. The site benefits from planning permission to erect up to 100 dwellings (approved under H14-0355-17).

History

H14-0355-17 - Proposed residential development (re-submission of H14-0942-16). Approved 22-02-18.

Representations

The above plans have been put forward but I would like you to take into account that where the fence has been placed (which is on the road) does not give myself or my neighbour room to get our cars in and out of our drive as the fence has been placed 2 metres forward therefore it's right on the boundary of our property not allowing any swing in or out we both have extended our paving but still it's not enough. This fence continues all the way down my garden therefore in actual fact shortening our garden by 2 metres in width the full length which is approximately 16 metres long.

Planning Considerations

Condition 6 - Boundary Treatments

The applicant is required to submit the following:

Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

The applicant has provided the following plans:

- LDC2328-01 - Site Location Plan
- LDC2902-BR001T - Proposed Site Plans
- LDC2328-06 I - Proposed Landscaping Plan (1 of 2)
- LDC2328-07 L - Proposed Landscaping Plan (2 of 2)

The landscaping plans show retained existing trees, new trees, hedges, planting specification as well as the management and maintenance schedules. They also describe the different boundary treatments proposed and marked location on the plans. The approach to both the planting and boundary treatment is considered acceptable. The proposals would result in providing a solution that would aid the design allowing the overall scheme to soften into its environment. The treatments would also provide a sufficient level of amenity for future residents.

On this basis the proposal is considered acceptable. This condition was imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006, this has now been superseded by the South East Lincolnshire Local Plan 2019 (namely policies 2 and 3) and is hereby discharged.

Neighbour concerns

A letter from a neighbour has been received and precised earlier within the report. The concern is that the location of the fence (presumably the acoustic fence) makes it difficult for the resident to egress their dwelling and it has been placed on the road. Drawing number 'LDC2328-06 I' shows that this fence is located at the end of the road and a small stretch of hedge is located between the drive of plot 6 and the acoustic fence. On plan this appears to be sufficient space in order to egress the site. The plan shows that the road is unobstructed by the fence. This layout has been approved by Highways. The Acoustic fence is also necessary to protect the amenity of residents from noise emanating from the train line, it is unlikely that it can be located any closer to teh railway line, when considering the plans.

Conclusion

Condition 6 relating to planning application H14-0355-17 is hereby 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.