

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1054-21 **Applicant:** Lunns Haulage Ltd.

Proposal: Details of hedge planting to south eastern boundary (Condition 8 of H14-0602-21)

Location: Rosecott Farm Dozens Bank West Pinchbeck

Terminal Date: 2nd December 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 6 & 12 of the National Planning Policy Framework (2021)

6 - Building a strong, competitive economy

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for Rosecott Farm, Dozens Bank, West Pinchbeck for details of hedge planting to the south eastern boundary (Condition 8 of H14-0602-21)

SITE DESCRIPTION

The site is 0.4 hectares in total. The site is outside of defined settlement limits in the open

countryside, and the surrounding area is characterised by non-nucleated frontage development of varying ages and designs. Neighbouring property Wembley House is located to the north-west of the proposal site and is 85 metres away at the nearest point. Southfields is the only other dwelling in the immediate vicinity and is located on the opposite side of Dozens Bank, 143 metres away at the nearest point. There are other dwellings in the area, with the next nearest at Peak Farm Cottage, to the south, being located 171 metres away at the nearest point.

HISTORY

H14-0106-20

Full - Change of use to sui generis for relocation of haulage business - Approved - 15 July 2020.

H14-0332-20

Full - Proposed extension and alterations - Approved - 15 July 2020.

H14-0090-21

Full - Proposed extension & alterations - re-submission of H14-0332-20 - Approved - 17 March 2021.

H14-0598-21

Section 73 Modification - Change of Use to sui generis for re-location of haulage business - approved under H14-0106-20. Removal of Condition 6 relating to acoustic fencing along northern boundary - Approved - 03 September 2021.

H14-0602-21

Full - Change of use from paddock area to haulage yard & storage including lighting - Approved - 30 September 2021.

CONSULTATION RESPONSES

None received.

PLANNING CONSIDERATIONS

Condition 8 of H14-0602-21 states:

"Before the commencement of the usage hereby permitted, a scheme of hedge planting for the south-eastern boundary of the site including details of positions, heights on planting and species shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All hedging shall be maintained by the owner or owners of the land on which they are situated for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. Once established, the hedging must be maintained at a minimum height of 3 metres.

Reason: To ensure that the development includes boundary hedge planting, in the interests of its visual amenity and that of the area in which it is set.

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

The submitted details describe a mixed hedge of hawthorn, beech, blackthorn and buckthorn. All these species are considered to be appropriate for the site. Planting of the hedge will be double row staggered. Whilst the planting is growing a 1.8 metre high timber fence will be sited adjacent and retained thereafter.

The submitted hedge details are considered to satisfy the condition.

Condition 8 of H14-0602-21 has now been addressed.

PLANNING BALANCE

The hedging condition has now been satisfied with appropriate species to be planted.

CONCLUSION

This application is recommended for approval.

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.