DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0247-25**	**Applicant:**	**S Larratt**
Proposal:	Details of acoustic fencing & hedge planting (Conditions 3 & 4 of H23-0725-23)		
Location:	Irby Villa Millgate Whaplode		
Terminal Date:	26th May 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework, December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 3 and 4 of permission H23-0725-23.

Permission H23-0725-23 granted consent to change the use of the land within the site to keep 11 dogs on 14 October 2024.

Site Description

The site comprises land to the east Millgate, to the south of Whaplode. Millgate features sporadic ribbon development and the site is located outside any defined settlement boundary. The site is

therefore within the countryside in planning policy terms. Irby Hall, a large residential property, is located to the south of the site. Irby cottage is situated further along Crowdyke Gate to the east.

Relevant Planning History

H23-0568-21: (Full Application) Two storey extension & alternations - approved 14 July 2021

H23-0371-23: (Full Application) Extension & alterations - approved 07 June 2023

H23-0725-23: (Full Application) Change of use of land to keep 11 dogs - approved 14 October 2024

Consultation Responses

Environmental Protection: The proposed acoustic barriers are satisfactory.

Key Planning Considerations

Condition 3 reads as follows:

"Prior to its installation, details of the proposed acoustic fencing, including a schedule of fencing levels, heights and materials, with details showing the composition of the impervious material of the fencing with a mass per unit area of at least 10kg per metre squared, with a minimum thickness of at least 14mm, with a minimum height of 1.8 metres across the front of the property facing Millgate, a minimum height of 2 metres around the outdoor runs and exercise yard, and a minimum height of 2.4 metres adjacent to the outdoor run adjacent to the outbuilding where dogs are kept overnight, as shown on drawing 4.2 of the Environmental Noise Assessment by Acoustic Associates, Peterborough reference SEM/J3782/18593-1 dated July 2024, shall be submitted to and approved by the Local Planning Authority within 3 months of the date of this decision. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety within 3 months of the date of the decision and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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: To ensure the site is adequately screened to mitigate the impact of noise and to ensure that there is no observed adverse effect to nearby residents due to noise impacts. This Condition is imposed in accordance with Policies 2, 3, and 30 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by details of the proposed acoustic fencing which ranges from 1.8m high fencing up to 2.4m fencing. The fencing aligns with the approved fencing details from the original application. The council's environmental protection team have confirmed that the details are acceptable. The condition can therefore be discharged.

Condition 4 reads as follows:

"A scheme of hedge planting for the boundaries of the site, excluding the southern boundary including details of positions, heights of planting and species shall be submitted to and approved in writing by the Local Planning Authority within 3 months of this decision. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season from the date of this permission. 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.

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 plan indicates the position of existing trees and bushes which are located mostly around the site boundaries. The plan indicates that the existing trees and bushes will remain in place. As the existing vegetation is located around most of the edge of the site, this 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 and 4 of permission H23-0725-23.

Recommendation

Discharge conditions 3 and 4.