

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0993-22 **Applicant:** Mr D S Rous

Proposal: Details of landscaping and ecological biodiversity measures. (Conditions 4 and 5 of H23-0733-22)

Location: Rear Of Irby House Millgate Whaplode

Terminal Date: 6th December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge the following conditions of application H23-0733-22:

Condition 4 - Landscaping
Condition 5 - Ecology Management

Site Description

As original application.

History

H23-0733-22 - Change of use of grassland to paddocks for grazing and erection of stables - part retrospective - Approved

H23-0662-22 - Full - Siting of caravan (retrospective) - Approved

H23-0260-21 - Full - Erection of garden room, playroom & store - retrospective - Refused

H23-0370-17 - Full - Log Cabins and Touring Caravan Site (re-application after refusal of H23-0742-16) - Refused

H23-0742-16 - Full - Proposed log cabins and touring caravan site - refused

H23-1270-16 - Outline - Residential development (proposed house and garages) - Refused 7 February 2017. Dismissed on appeal

Consultation Responses

South Holland Internal Drainage Board

No objections.

Planning Considerations

Condition 4 - Landscaping

The landscaping details shown on plan 4015-19 01B and as shown in the submitted photographs are considered acceptable therefore condition 4 can be discharged.

Condition 5 - Ecology Management

The application is accompanied by an Ecology Management Scheme which proposes the following:
·A species hedgerow would be planted on the site with a 4 metre buffer strip adjacent to the hedgerow

- 1no open fronted bird nesting box and 1no close hole bird nesting box will be installed
- Swift bricks would also be installed on the building
- 2no lbstock bat bricks would be installed on the building

The details are considered acceptable and would ensure a net gain for biodiversity therefore condition 5 can be 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.

Conclusion

Taking the above into account, it is considered that Conditions 4 and 5 of H23-0733-22 can be discharged.