DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0195-21**	**Applicant:**	**Ms D Ord**
Proposal:	Remove existing fence and replace with new boundary fence		
Location:	7 Wyche Avenue Crowland Spalding		
Terminal Date:	26th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application to remove an existing fence and replace with new boundary fence at 7 Wyche Avenue, Crowland. The proposal seeks to provide a 1.8 metre high fence, constructed from feather edged timber panels between concrete posts. The existing fence is approximately 2 metres from the pavement edge, with the proposal seeking to site it 0.6 metres from the edge. A 1.8 metre high fence on the opposite side of the road at 7 Godiva Close was granted planning permission on 02 February 2021 under reference H02-1105-20.

SITE DESCRIPTION

The proposed is within defined settlement limits with dwellings of a similar age and varying design in all directions of the site. The site is within Environment Agency Flood Zone 3, with part of the site in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H02-0343-08

Full - Relocation of boundary fence - Refused - 14 May 2008.

H02-1100-08

Full - Relocation of 1.8 metre boundary fence - Approved - 08 December 2008.

H02-1105-20 - 7 Godiva Close

Full - Erection of summer house and boundary fence - retrospective - Approved - 02 February 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "The proposal is for a replacement fence and it does not have an impact on the Public Highway or Surface Water Flood Risk."

North Level Internal Drainage Board

No comments.

Crowland Parish Council

The Parish Council found it difficult to make a decision as the plans attached were difficult to understand. However, they do have concerns regarding the height of the fence obscuring the line of sight at a busy junction.

PLANNING CONSIDERATIONS

Principle of development

The proposed is within defined settlement limits and the proposal is for residential development on residential land. The principle of development is therefore considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;

4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is comparable to that of the fencing to the south of the site at 7 Godiva Close. With this in mind, there is not considered to be a material impact on the character and appearance of the area, and a precedent would not be set by this fence.

2. The design is in keeping with the existing fence and the orientation is in a straight line 0.65 metres away from the internal edge of the pavement.

3. The proposed seeks to utilise the same materials of construction as that of the existing fence.

4. The proposal will not affect the existing access or off road parking provision. The Highway Authority have no objections to the proposal on highway safety grounds.

5. Community services and infrastructure will not be impacted by this proposal.

6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposed fencing. Highway safety concerns were expressed by a member of the public, but this concern is not shared by the Highway Authority.

7. The proposal is not considered to impact surface water flood risk. The site is within Environment Agency Flood Zone 3, with part of the site in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);

13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to materially impact a sense of place. The size, scale and layout is comparable to that the fencing to the south of the site at 7 Godiva Close. With this in mind, there is not considered to be a material impact on the character and appearance of the area, and a precedent would not be set by this fence.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposed fencing. Highway safety concerns were expressed by a member of the public, but this concern is not shared by the Highway Authority.

12. The proposal is not considered to impact surface water flood risk. The site is within Environment Agency Flood Zone 3, with part of the site in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

The proposal accords with SELLP Policy 3.

PLANNING BALANCE

There is not considered to be a material impact on the character and amenity of the surrounding area. This proposal accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, and Section 12 of the National Planning Policy Framework, 2019.

CONCLUSION

The recommendation is one of 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.