

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0614-19 **Applicant:** Partner Construction
Proposal: Details of boundary treatment (Condition 5 of H02-0554-16)
Location: Adcocks Drinks Company Crease Drove Crowland
Terminal Date: 14th August 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Condition 5 (details of boundary treatment) of H02-0554-16 (residential development on land off Crease Drove, Crowland).

Site Description

The application site is brownfield in nature with a commercial building at the front of the site. The rear of gardens on Alderlands Close and Beccelm Drive adjoin the northern and eastern boundaries respectively. There is an open field to the south, with new residential development having just been commenced further south along Crease Drove. There are mature trees/hedgerows on the boundary and there are also a number of trees within the site.

History

H02-0652-19 - Details of landscaping, public open space and landscape management and

maintenance schedule, refuse storage and meter boxes (Conditions 4, 6, 7, 9 and 10 of H02-0554-16) (approved August 2019)

H02-0688-19 - Details of archaeological investigation (Condition 18 of H02-0554-16) (approved July 2019)

H02-0613-19 - Details of construction management and wheel washing facilities (Conditions 16 and 17 of H02-0554-16) (approved July 2019)

H02-0554-16 - Outline application for residential development on land off Crease Drove, Crowland (approved October 2017)

Consultation Responses

Crowland Parish Council - Leave to expertise of officers.

Planning Considerations

The proposed boundary treatments include 1.8m close board fencing (to be installed in between the rear gardens of new dwellings), 1.8m brick walling along the estate road boundary of plots 6 and 37 and to the rear of plot 24 and knee rail fencing acting as separation between the residential curtilage and incidental amenity grass to the side of plots 32 and 33 and at the end of the private drive to plots 43 to 48.

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 above proposed boundary treatments are considered to be an acceptable approach in terms of preserving visual and residential amenity and therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019). Condition 5 of H02-0554-16 can therefore be discharged.