CHAIRMAN'S PANEL Held On: Unrecognised Format

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0950-19**	**Applicant:**	**Mr G Robson**
Proposal:	Proposed boundary fence		
Location:	63 Jubilee Way Crowland Peterborough		
Terminal Date:	20th November 2019		

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0
RESIDENTS	3	0	0	1

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

Proposal

This is a householder application for a proposed boundary fence behind an established hedge at 63 Jubilee Way, Crowland. The boundary fence would run to the western side and northern rear of the property. The boundary hedge is currently at a height of 2.2 metres. The fence would be constructed from timber panels, concrete posts and gravel boards to a height of 2.1 metres. The intent is to obscure the fence with the external hedge that would be greater in height.

Site Description

The proposal site is adjacent to a private road in an estate with dwellings of a similar age and varying design.

History

H02-0225-97

Outline - Proposed residential development incorporating provision of incidental open space - Approved - 06 August 1998

H02-1012-00

Reserved Matters - Erection of 114 dwellings, estate roads, P.O.S. & improvements to Cloot Drove & demolish extng. workshop - Approved - 21 February 2001

H02-0204-18

Full - Removal of hedge and location of boundary fence - Refused - 05 April 2018

Consultation Responses

North Level Internal Drainage Board

No objections.

Crowland Parish Council

"Concern that the fence is going inside the current hedge which makes the intention of the fence unclear."

County Highways & SUDS Officer

No objections.

Members of the public - 3 objections

- Queries height of wall (The application is for a fence)
- Upset with height of hedge (Not a matter of planning weight)
- Highway safety
- Visibility
- Overshadowing
- Impact on visual amenity

Planning Considerations

- Principle of a fence in this location.

Principle of a fence / visual impact

All matters related to the hedge at 2.2 metres in height are beyond the remit of planning. The vast majority of the fencing will not be visible now that the hedge has grown. The applicant is considered to have overcome the previous reason for refusal under reference H02-0204-18 as the hedge is

considered a softer form of landscaping and not visually discordant.

As a hedge does not require planning permission then matters relating to highway safety / visibility and potential for overshadowing are being the remit of the Local Planning Authority. A condition will added to the decision notice requiring that the hedge remain in perpetuity during the lifetime of the adjacent fencing.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.