DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-1138-19**	**Applicant:**	**Mr Martin Griffiths**
Proposal:	Details of boundary treatment (Condition 3 of H04-0033-19)		
Location:	11 Church Street Donington Spalding		
Terminal Date:	16th January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 16- Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the discharge of condition 3 of Planning application H04-0033-19 which requested that details of the boundary treatment be submitted, to identify the design of any constructed boundary wall/fence.

The applicant has submitted plans pertaining to a 1.5m high timber panelled fence, supported by intermittent concrete posts of a height equal to that of the timber panelling.

Site Description

The site is a small C18th-Early C19th brick property, the most recent use of which was as a consumer electronics retailer. Under a recent planning application (H04-0033-19) this property was granted permission to be converted to use as a single-bedroom private dwelling. The area immediately surrounding the property is characterised by a mix of residences and

commercial/industrial units. To the boundary of the property are residences and the large open space that is part of the ownership of the red cow, but which is informally used as a public accessway and car park.

The site sits within the Donington Conservation area and is fully visible, but significantly set back from the public realm and is not within close proximity of any listed buildings, although the rear of the Grade II listed Red Cow Hotel is visible from the property.

History

H04-0033-19

Conversion of un-occupied, detached two-storey shop with store above into one-bedroom dwelling with minor alterations. APPROVED on 04/04/2019

Consultation Responses

None received.

Planning Considerations

The supplied details of the proposed boundary treatment provided by Oglesby & Limb Ltd show a timber fence which is not out of character or alien to either this portion of the Conservation Area or the property itself. Therefore, the details must be considered to satisfy polices 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 16 of the National Planning Policy Framework (2019) and condition 3 of H04-0033-19 should be discharged.

Conclusion

As stated above, the details provided are satisfactory to discharge the condition and are in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 & 16 of the National Planning Policy Framework (2019). Therefore this application is recommended for 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.