SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 02 September 2020**

(Author: **Joan Isus - Planning Officer)**

Purpose: **To consider Planning Application H09-0204-20**

Application Number:	H09-0204-20	**Date Received:**	27 February 2020
Application Type:	FULL		
Description:	Proposed 1.8m high boundary wall		
Location:	KENT FIELDS WOODHOUSE LANE HOLBEACH		
Applicant:	Mr M D Seymour	**Agent:**	Mr M D Seymour
Ward:	Holbeach Hurn	**Ward Councillors:**	Cllr C N Worth

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0204-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 This is a full planning application that seeks permission for proposed 1.8m high boundary wall at Kent Fields, Woodhouse Lane, Holbeach.

2.2 The proposed development is a 1.8m high boundary wall which will comprise one metre high base brickwork and 0.8 metre high iron railings on top of it.

2.3 This application was previously reported to the Planning Committee on 24 June 2020, when it was deferred for further discussions between the applicant and the County Council as Highway Authority. Subsequently, a revised layout has been submitted showing the proposed means of enclosure set back 1.5 metres from the edge of the carriageway in Woodhouse Lane and further from the highway curve and Washway Road.

3.0 SITE DESCRIPTION

3.1 The site forms part of ribbon development extending from the built-up area of Holbeach towards the north of the A17. It is a corner plot abutting the road junction of Woodhouse Lane (east) and Washway Road (south).

3.2 Kent Fields is a large bungalow which is fairly set back from the road junction. The site access is from Woodhouse Lane. The drive is to the west of the property and it is concealed by a brick wall and pillars. A detached garage stands adjacent to the northern boundary. There is no means of enclosure adjoining the road junction but a verge surrounding the corner plot.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H09-0382-18 - Erection of boundary wall - Approved

H09-1194-16 - Garage conversion and proposed detached garage - Approved

6.0 REPRESENTATIONS

6.1 Holbeach Parish Council

No objections.

6.2 LCC Highways/Suds

No objection.

The revised layout satisfies the Highways Authority's requirements.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Principle of development

7.3 There is no objection to the principle of developing a means of enclosure which is ancillary to the residential curtilage.

7.4 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

7.5 Design and layout

7.6 Paragraph 127 of National Planning Policy Framework (NPPF), 2019 states the following:

"Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over

the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users46; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

7.7 The proposed development is a 1.8m high boundary wall which will comprise one metre high base brickwork and 0.8 metre high iron railings on top of it.

The wall will extend from the site access on Woodhouse Lane to the adjacent property Sharow along the site boundaries abutting the road junction. This means of enclosure will be set back 1.5 metres from the edge of the carriageway in Woodhouse Lane and 2 metres from that of Washway Road. The separation distances will range between 2.3 and 2.7 metres between the wall and the carriageway on the highway curve.

7.8 The combination of brickwork and railing will contribute to mitigate further the visual impact rather than an entire 1.8 metre high brick wall. The existing boundary treatments in the vicinity comprise conifer hedges of different heights, brick walls and pillars, and more than one metre high timber closeboarded fence. On balance, the external appearance of the proposed wall will not appear at odds with the features of the wider street scene and, by extension, the residential character of the local area.

7.9 Design is an overarching concept and the relationship of the proposed wall with its setting in functional terms must be also taken in account. In fact, Policy 2 of SELLP, 2019 includes "the relationship to existing development and land uses" as one of the criteria to meet when assessing development proposals. Likewise, Paragraph 127 of NPPF 2019 sets out that development should function well and add to the overall quality of the area; and create places that are safe, inclusive and accessible, among other criteria.

7.10 Therefore, highway safety is a key design consideration of this development given the relationship between the boundary wall and adjacent highway as well as the existing site access.

7.11 Highway safety

7.12 Paragraph 109 of National Planning Policy Framework (NPPF), 2019 states that "development should only be prevented or refused on highways grounds if there will be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network will be severe."

7.13 Initially, the wall had been proposed in close proximity to the edge of the carriageway which was a matter of concern for the County Highways Authority. At such proximity, the drivers of motor vehicles would not have benefited from sufficient visibility when exiting the site from the existing vehicular access.

7.14 After discussions between the applicant and the County Highways Authority, the proposed boundary wall will be set back as described above. In view of the revised layout, the County Highways Authority has been re-consulted and the amendments fully satisfy the Authority's requirements. The boundary wall will be sufficiently separated from the highway to ensure appropriate visibility for the drivers of motor vehicles exiting the application site to Woodhouse Lane. Therefore, no unacceptable harm will occur upon highway safety standards by reason of

the proposed means of enclosure.

Conclusion

7.15 The proposal will be acceptable in terms of principle of development and visual appearance. Design is an overarching concept and the functional relationship of the proposal with its setting must be also taken in account.

7.16 The revised layout shows the proposed boundary wall set back 1.5 metres from the edge of the carriageway in Woodhouse Lane and 2 metres from that of Washway Road. The separation distances will range between 2.3 and 2.7 metres between the wall and the carriageway on the highway curve.

7.17 The County Highways Authority has been re-consulted and it is fully satisfied with the revised proposals. No unacceptable harm will occur upon highway safety standards.

7.18 On balance, it is considered that there will be no adverse impact upon highway safety which will significantly and demonstrably outweigh any benefits should permission be granted.

7.19 In summary, this application accords with Paragraph 109 and Section 12 of National Planning Policy Framework (NPPF), 2019; as well as Policy 2 of South East Lincolnshire Local Plan (SELLP), 2019.

7.20 **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.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The determined plans are:

   Site Location Plan
   Block Plan (dated 29 June 2020)
   Application Form

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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Background papers:- Planning Application Working File

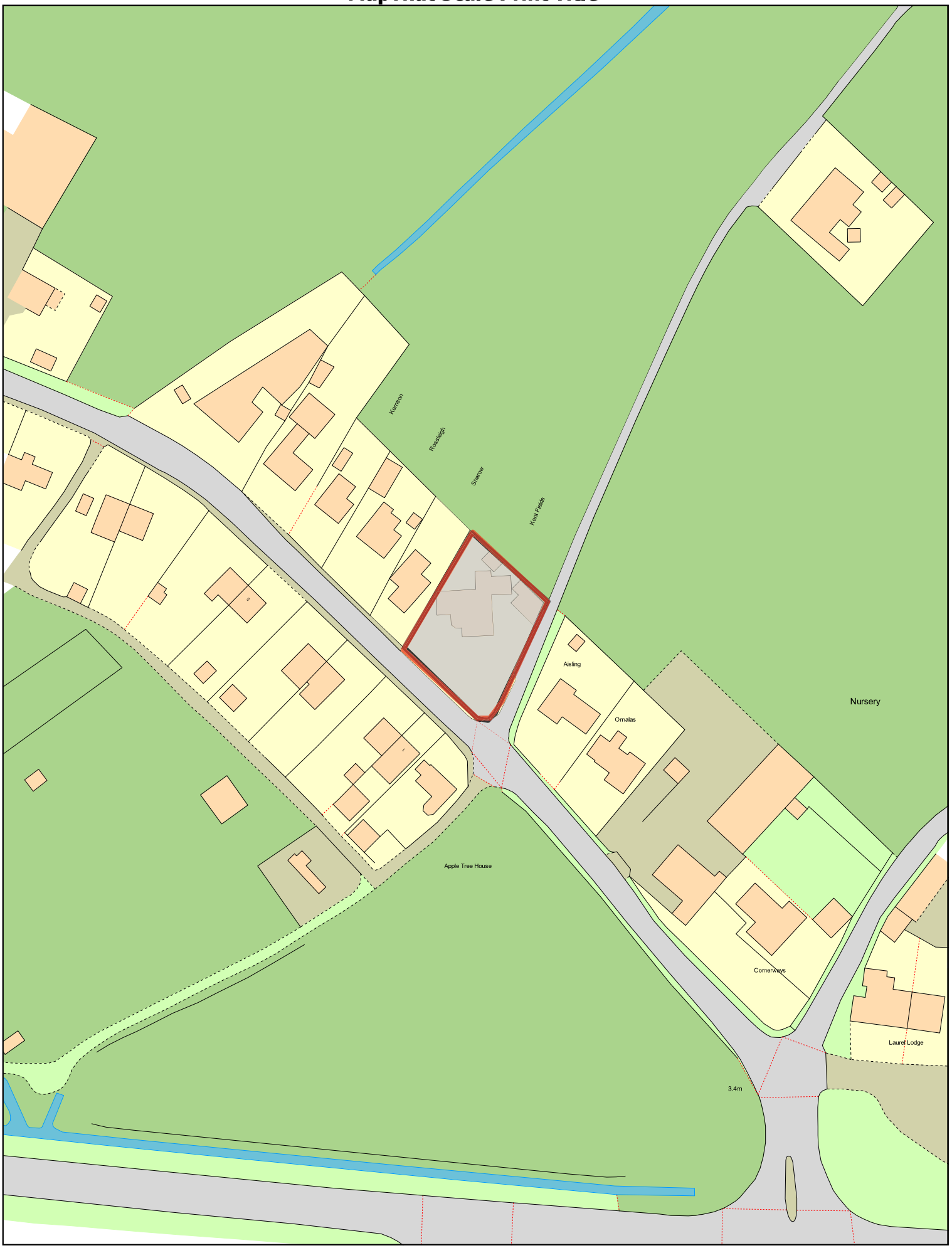
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



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