DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0830-22**	**Applicant:**	**Mr A Mayer**
Proposal:	Details of boundary treatments (Condition 9 of H11-0882-21)		
Location:	Land At Seagate Road Long Sutton Spalding		
Terminal Date:	14th October 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of boundary treatments (Condition 9 of H11-0882-21).

Site Description

As original application.

History

H11-0389-22 - Details of scheme to deal with contamination, construction management plan, levels, landscaping, external materials and meter boxes (Conditions 3, 5, 6, 8, 10 & 11 of H11-0882-21) (approved July 2022)

H11-0882-21 - Full - Erection of 9 Dwellings (approved February 2022)

Consultation Responses

Impacted neighbour has been consulted and raises no objection.

Planning Considerations

Levels details were approved through application ref. H11-0389-22. Finished floor levels are to be raised to 3.7m AOD in accordance with the approved FRA, which is around 0.5m-1.0m higher than existing ground levels on the site and the surrounding area more generally.

Existing properties most likely to be affected are no. 83 Seagate Road and no. 2 The Cherries due to the proximity to proposed dwellings. The base of the brick wall proposed to the northern boundary of Plot 1 would be at the same level as the site, therefore there would be no overlooking impact from external spaces to 2 The Cherries and there are no overlooking windows to Plot 1.

In terms of 83 Seagate Road and Plot 9, no adverse amenity impact is anticipated. As patios are to be 3.55m AOD, the patio to Plot 9 would be around 400-500mm higher than the existing site level and level at the boundary with 83 Seagate Road. The current screening along that boundary is hedging that appears to be around 1.8m - 2.0m in height. Raising the patio level of Plot 9 could therefore lead to some overlooking of the neighbouring garden based on the existing arrangement. The proposal is for a retaining wall to be built in between these two properties with a 1.8m high fence above. This would result in an overall height of 2.2m. Based on the proposed external level, this would result in sufficient screening to prevent overlooking and a boundary treatment of 2.2m in height would not be unduly overbearing. Plot 9 would have no windows on the south facing side to overlook.

The boundary treatment arrangements for the wider site are acceptable in visual and privacy terms.

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

Taking the above into account, it is considered that Condition 9 of H11-0882-21 can be discharged.