CHAIRMAN'S PANEL Held On: Unrecognised Format

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0796-19**	**Applicant:**	**Mr Vjaceslavs Zukovskis**
Proposal:	Proposed 1.8m mesh fencing and gates		
Location:	1a Edison Court Pinchbeck Spalding		
Terminal Date:	28th October 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
12	Reserve Sites

National Guidance

National Planning Policy Framework 2019

Sections 6 & 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
RESIDENTS	1	0	0	0

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application for proposed 1.8 metre high mesh fencing and gates at 1a Edison Court. Viz UK operates from the site and is an online retailing company. The proposal seeks to provide fencing at the front and one side of the forecourt, with gates at the side of the proposed entrance. The proposed fencing is for the purposes of securing the site and preventing the unauthorised parking of vehicles on the company car park by the users of adjacent businesses. The proposed fencing is intended to secure the site without impacting upon visibility and highway safety.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by industrial buildings of varying ages and design.

History

H14-1163-90

Full - Industrial development (B1, B2, B8 Use' Classification) - Approved - 22 November 1990.

H14-1094-95

Full - Erect industrial premises for cold storage and packaging of fruit and vegetables - Approved - 21 December 1995

H14-0645-98

Full - Steel framed building with office facilities to house wholesale flowers - Approved - 28 August 1998

H14-0736-98

Full - Construction of access roadway - Approved - 02 October 1998.

Consultation Responses

Sunflower Spalding Cash & Carry Ltd - Adjacent unit to south

OBJECTS

Vehicular manoeuvrability.
Visibility from vehicles.
Fence style is not in keeping with other fencing within Edison Court.

County Highways & SUDS Officer

No objections.

Pinchbeck Parish Council

Supports the application.

Planning Considerations

Vehicular manoeuvrability.
Visibility from vehicles.
Design.

Vehicular manoeuvrability

There is not considered to be any impact on vehicular manoeuvrability. The addition of fence will help to prevent parking from users of adjacent businesses and free up movement around the site.

Visibility from vehicles

The fence design is such that the site can be secured whilst allowing for visibility from vehicles for users of adjacent sites.

Design

There is identical fencing serving the garage business on the opposite side of Edison Court. The proposal is not considered to set a development precedent.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 2, 3, 7 and 12 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 & 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.