

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1315-21 **Applicant:** Melbourne Holdings Ltd.

Proposal: Erection of post & rail fence with minimum 1.2m high laurel hedging planted at a maximum 600mm centre along the 9m IDB easement zone to Plots 4, 6 & 7.

Location: Land Off Spalding Road Pinchbeck Spalding

Terminal Date: 14th February 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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a post & rail fence with minimum 1.2m high laurel hedging planted at a maximum 600mm centre along the 9m IDB easement zone to Plots 4, 6 & 7 on land off Spalding Road, Pinchbeck.

The application is retrospective as the fencing has already been erected and the laurel planted.

Site Description

Construction on site is now well advanced and some properties are already occupied. This particular application relates to the southern boundary of Plots 4, 6 and 7, which face towards the rear of properties on Wardentree Lane. The rear boundary of 2 and 2A Wardentree Lane is lined by individual conifer trees that once further grown in size would offer more screening, but for this moment in time still allow views of the garden and ground floor windows. The rear boundary of 4 Wardentree Lane is defined by an approx. 1.2m high post and wire fence with no further screening.

History

H14-0471-20 - Details of Conditions 8, 9, 12, 13, 14, 18, 23, 24, 27, 29 and 32 of H14-0956-16 (approved December 2020)

H14-0616-19 - Details of Conditions 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16 (approved August 2019)

H14-0956-16 - Full application for proposed residential development of 10 dwellings (approved January 2019)

Consultation Responses

Welland and Deepings IDB - I have viewed the submitted Amended Layout Plans drawing reference: M164-110 Revision G, dated October 2021 and I am pleased to see that the 9 metre easement to the Boards Blue Gowl No.1 drain has been clearly marked and is being observed with no structures, fencing, landscaping etc within the strip.

Planning Considerations

Background

Full planning permission was granted in January 2019 under application ref. H14-0956-16 for the development of 10 dwellings. The approved Site Plan (dwg. no. 776-4-PL_SP01 Rev C) indicated a 1.8m high closeboard fence and mixed native hedging would be provided along the southern boundary (set in 9m from the IDB drain) as screening.

However, the developer instead elected to erect a 1.2m high post and rail timber fence along that boundary, which has resulted in the submission of the present application to regularise the matter. Laurel trees have also now been planted along this boundary to provide additional screening.

Residential Amenity

This application specifically relates to the southern boundary of Plots 4, 6 and 7, which face towards the rear of properties on Wardentree Lane (on the opposite side of the IDB drain). The rear boundary of 2 and 2A Wardentree Lane is lined by individual conifer trees that once further grown in size would offer more screening, but for this moment in time still allow views of the garden and ground floor windows. The rear boundary of 4 Wardentree Lane is defined by an approx. 1.2m high post and wire fence with no further screening.

It is therefore clear that screening is required on the application site side of the drain and the applicant, in pre-application discussions, agreed to the planting of laurel trees of a minimum of 1.2m in height along that boundary to supplement that post and rail fence that had already been installed. Laurel is a fast growing, bushy and evergreen species that can reach a height of 5m and is therefore an ideal type of hedging to provide privacy once established. Taking into account the finished floor levels of the dwellings (max 400m above ground level at the end of any garden), maintaining the hedging at a height of a minimum of 2.2m would be sufficient.

No resident objections have been received to the application.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Planning Balance

The post and rail fencing supplemented by laurel hedging (conditioned to remain in perpetuity and be maintained at a minimum of 2.2m in height) will provide an appropriate level of privacy once fully established and is therefore considered acceptable in amenity 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

In light of the above considerations, the proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021), in amenity terms.

The recommendation is therefore for a delegated approval.