

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1234-19 **Applicant:** Burmor Projects
Proposal: Details of boundary treatment (Condition 7 of H16-0283-17)
Location: Land Off Willow Walk Spalding
Terminal Date: 10th March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of boundary treatment (Condition 7 of H16-0283-17).

Since submission amendments have been received to increased the height of the fencing in certain areas.

The fencing is now proposed to be installed as follows:

Fence A - 1.8m close board fencing with gravel boards - to be used between garden plots on the development and to the western boundary of the site, adjoining properties in Rutland Close.

Fence B - 2.25m close board fencing with trellis above and gravel boards. To be used on a section of the western boundary, with properties in the High Street.

Fence C - 2.25m close board fencing with gravel boards. To be used on a section of the northern

boundary, with properties in the Osier Close.

The plans clarify that existing boundary treatments to the site are to be retained in situ and replaced with like for like if damaged during construction.

Site Description

As host application. This development is now under construction.

Relevant History

H16-0283-17. Residential development of 20 dwellings - Approved 30-07-18.

H16-1218-18. SEC 73 MODIFICATION. Approved 06-03-19.

H16-0923-19. NON MATERIAL AMENDMENT. Approved 19-09-19.

H16-0686-19. Details of landscaping (Condition 6 of H16-0283-17). Approved 21-11-19.

H16-0468-19. Details of external materials (Condition 4 of H16-0283-17). Approved 14-05-19.

H16-0197-19. Details of Conditions 3 . Approved. 26-04-19.

H16-0180-20. Details of full closure report and landscaping (Conditions 3 (iv) and 6 of H16-0283-17). UNDER CONSIDERATION.

Consultation Responses

Neighbouring residents were consulted on the original application submission and the revised details.

Original application submission -Third Parties

One comment has been received -

Requests that the fencing is at the greater height where it backs on to a property in Rutland Close. Also question whether the existing fencing is to be removed and replaced or use the existing fence structure. Also raise the issue of security for pets during the fencing work.

One objection received -

Objects to the height of the fence around the perimeter of properties in Osier Road. Some of the site with a passageway next to the garden will receive a 2.2m tall fence and some will not. Asks the council to consider for any properties that have passageways next to existing fences that the developer for security reasons should install 2.2m tall fencing and not the 1.8m fencing as shown.

Whilst not relevant to this application, would like noting that in the case of the fencing next to the site on a perimeter, the builder has damaged a portion of the fence between properties in Osier Road and despite asking repeatedly to repair the damage no action has yet been taken. Should the application be passed and the above comments be noted without any action, will apply to raise the height of fencing to bring it in line with the 2.2m tall fencing on the other side of the site to improve security around the perimeter.

Revised details submission -Third Parties

No comments or objections received.

Planning Considerations

The key issues in this case are:

Impact on adjoining residents

The application has been amended to take in to account the requests of residents in Osier Close and Rutland Close. It is considered that the location, height and form of the fencing is acceptable and would not detrimentally impact on the privacy or amenity of adjoining residents.

Objection has been raised to the provision of passageways to gain access to rear gardens within the development. This has been agreed by previous consents on this site and is not to be revisited by this application.

Visual Impact

The proposed fencing would be domestic in form and appropriate to the development, and would form an acceptable boundary to existing adjoining dwellings.

Additional Considerations

Damage to adjoining fencing - This is a civil matter, although it is addressed within the plan as a notation.

An objector has raised the view that they may apply of planning permission for a high fence. This would be assessed at the time of application.

Security for pets - this is also a civil matter and not a matter that the Planning Service can address via condition or other mechanism.

BJAdditional 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.