DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0960-22**	**Applicant:**	**R C Tinsley Ltd**
Proposal:	Proposed new field access		
Location:	Land Off Littleworth Drove Deeping St Nicholas Spalding		
Terminal Date:	25th November 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.
Section 15- Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking planning permission for a proposed vehicular field access to land off Littleworth Drove, Deeping St Nicholas.

Site Description

The site in question forms part of an agricultural field / boundary hedge to the north-west of Littleworth Drove, and is outside of the settlement boundary of Deeping St Nicholas. There are residential properties further along this side of Littleworth Drove.

History

No relevant planning history.

Consultation Responses

Deeping St Nicholas Parish Council

No objection to this application. The proposed entrance from Littleworth Drove will move farm vehicles away from the busy junction at Campain's Lane and will also help to slow the flow of traffic through the village.

Local Highway and Lead Local Flood Authority

Requests that any permission given by the Local Planning Authority shall include a condition requiring the reduction in height of an extent of hedging either side of the access. It is also requested that a condition be imposed that any proposed gates on to Littleworth Drove are to be set back from the nearside carriageway edge to ensure calling agricultural vehicles can manoeuvre off the highway without causing an obstruction to other highway users when opening the gates in the interests of highway safety.

Public representations (4 comments / objections)

- There should not be another vehicle access onto this Main Road as it is an already very busy fast road.
- The entrance will be hidden from vehicles using the main road.
- The position of the entrance to the field is opposite driveways which will make to more dangerous for us to go in
and out.
- This entrance will create more problems with mud from the farm vehicles onto a main road. we already have such problems so this will create more dangerous road conditions for road users.
- Security of the entrance to the field is of concern due to Hare coursers or illegal occupation of the farm land.
- We note from the parish council comments that they do not object as it will slow traffic down which we dispute.
- The farm vehicles use Campains Lane at present which is less dangerous turning into another road at a perfectly good junction than creating another vehicle opening opposite driveways
- Cause excess mud on the main road.
- Easy access for hare coursers.
- Propose that as few trees as possible are removed.

Planning Considerations

Highway Safety

Policy 2 requires sustainable development considerations to be met, including with regard to access. Policy 3 requires development proposals to consider the layout of parking. Section 9 of the National Planning Policy Framework (2021) requires development proposals to ensure safe and suitable access for all users.

Given the nature of the proposal, the key matter for consideration is highway safety.

Public comments have raised concerns about highway safety in terms of road speed, hidden vehicular access, security of the field and excess of mud on the main road.

Lincolnshire County Council have been consulted in their capacity as Highways Authority. They have not raised any concerns with the scheme from a highway safety perspective, subject to a condition requiring the reduction in height of an extent of hedging either side of the access.

The agent has confirmed that there will be no gates installed. If in the future it is found necessary, the applicant is aware that the gates will have to be installed far enough back from the road to allow farm and any other vehicles to leave the carriageway prior to opening the gates, which will follow the guidelines set out in the condition.

As such the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan and Section 9 of the National Planning Policy Framework 2021.

Trees

A public comment was raised regarding concern over the loss of too many trees. However, the agent has confirmed that there are no mature trees to be removed and only about 10 leylandii will be removed, which are located to the front of the site to accommodate the new vehicular access. The reduction in height of an extent of hedging will also be required. This is considered acceptable as it will not materially alter the overall appearance of the site/area.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

Planning Balance

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 proposed vehicular access will not materially harm the character or appearance of the area, the amenity of nearby residents or result in adverse arboricultural implications. The planning balance is therefore in favour of the proposal.

Conclusion

The proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 15 of the National Planning Policy Framework 2021.

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.