DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0946-22**	**Applicant:**	**Mr W Ravell**
Proposal:	Proposed vehicular access including removal of small section of hedgerow and replace with field gate		
Location:	Snake Hall Eaugate Road Moulton Chapel		
Terminal Date:	23rd November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed vehicular access including removal of small section of hedgerow and replacement with a field gate at Snake Hall, Eaugate Road, Moulton Eaugate. The proposal seeks to provide a paddock access to serve the existing stables on site. Snake Hall is a Grade II Listed Building. The access is not visible from the dwelling and does not affect the setting.

The proposed access will be sited to the south-east of the property off Eaugate Road. The land opposite the access point is arable fields and there is clear vision in both directions along Eaugate Road. The access will be gated by a timber swing gate that is 1.375 metres in height. This does not come higher than the existing hedging either side which is approximately 1.8 metres in height.

No other development is proposed as part of this application.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated, linear development of varying ages and designs. The dwelling at Snake Hall is located to the north and north-west of the access with Snake Hall Cottage beyond. Crown Farm is located to the north-east of the access, with arable fields to the east, 86 and 88 Eaugate Road to the south-east, and paddock and arable fields to the south and west.

The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

"The proposed access is adequate in terms of visibility and would therefore not result in an unacceptable impact on highway safety." - The Officer requests access and utility informatives.

PLANNING CONSIDERATIONS

Principle of development

The proposal is for a vehicular access on a straight section of road that is served by a number of residential, equestrian and agricultural access points. The principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the proposed access and gating is acceptable for the site. Aside from a small area of hedging, no trees will be removed to facilitate this proposal. There is not considered to be an impact on the character and appearance of the surrounding area.

2. The design and orientation of the access and gating is appropriate for the site and surrounding area.

3. The proposed material of construction for the gate is timber. This is a standard gate construction material.

4. The County Highways Officer has no objections to the proposed access and there is not considered to be a material increase in traffic as a result of the proposal.

5. The capacity of existing community services and infrastructure is not impacted by the proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposed access. There is not a visual intrusion impact from fence by virtue of the height, design and siting.

7. The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The is not a requirement to add any flood prevention measures to the proposed access point.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not impacted by the proposal. The size, scale and layout of the proposed access and gating is acceptable for the site. Aside from a small area of hedging, no trees will be removed to facilitate this proposal. There is not considered to be an impact on the character and appearance of the surrounding area.

5. Cycle and bin storage is not impacted by the proposed access. The County Highways Officer has no objections to the proposed access and there is not considered to be a material increase in traffic as a result of the proposal.

11. There is not considered to be a noise, odour or disturbance impact from the proposed access. There is not a visual intrusion impact from fence by virtue of the height, design and siting.

12. The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The is not a requirement to add any flood prevention measures to the proposed access point.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the proposed access is well sited, with good visility in both directions, and the gate design is appropriate for the character of the site and the surrounding area. The setting of the Grade II Listed Snake Hall is unaffected by the access and gating. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.