

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0486-23	Applicant:	Mr A Belcher
Proposal:	Removal of 9 meters of hawthorn hedge and proposed new access		
Location:	Pear Tree Farm Money Bridge Lane Pinchbeck		
Terminal Date:	26th July 2023		

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02	Development Management
03	Design of New Development
30	Pollution
28	The Natural Environment
33	Delivering a More Sustainable Transport Network

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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a new access to Pear Tree Farm from Money Bridge Lane. The access will measure 8m metres across and five metres deep. The access will be over an Internal Drainage Board maintained drain. In order to form the access, 9 metres of hawthorn hedging has been removed. A gate will be installed 5 metres back from the new access.

The removal of the hedgerow took place prior to this application, without the prior consent of the LPA. Consent is required for the removal of a hedgerow on or next to agricultural land, and while this should have been sought prior to the works taking place, this application is considered notification of the works and a chance to evaluate the potential impacts of the works.

Site Description

The site is outside of any settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The area is remote, with a limited number of dwellings and agricultural buildings along Money Bridge Lane.

The site itself features two dwellings to the immediate south and east. To the west is a series of glasshouses. The north, and wider area beyond the aforementioned buildings, is characterised by agricultural fields.

Relevant History

No relevant planning history.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection: The straight horizontal alignment of Money Bridge Lane and the set back of the frontage hedge would afford drivers entering the highway from the proposed new vehicle access with sufficient visibility, in both directions, of any vehicles that may be approaching, to be able to complete this manoeuvre safely. The proposed gates are to be sufficiently set-back from the edge of the carriageway for a car to be able to be off the carriageway while the gates are being locked or unlocked and so not be obstructing the free passage of other road users. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application."

Black Sluice Internal Drainage Board

States that if the applicants, or their successors, intend to fill in or culvert any watercourse, they will require consent from the Board.

Pinchbeck Parish Council

The application is in keeping with the street scene.

Lincolnshire Wildlife Trust

Requests additional planting to compensate for the loss of the hedgerow and that a management plan is put in place to maintain this new planting.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning

policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The aesthetic and character impacts of the development would be minimal. The access would only be visible from the immediate roadside, with the retained hedging obscuring any site lines. The proposed gates are typical of a rural site such as this.

The proposal conforms to Policy 2 of the SELLP in design terms.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The new access track will move the main access to the glasshouses on site further away from Pear Tree House. This would in turn reduce the impact of noise pollution from vehicles on the dwelling.

The proposal would, naturally, not create additional overshadowing or overlooking.

Therefore, the proposal conforms to Policies 2, 3 and 30 of the SELLP in terms of amenity impact and noise pollution.

Highway Safety

The relevant consultee from the Highway Department has raised no objections to the proposal, stating that the work will not have an unacceptable impact upon highway safety. The horizontal alignment combined with the setback frontage would enable drivers to have clear views of the road in both directions. The gate is sufficiently set back to enable a car to pull into the road before opening it, thus not obstructing the passage of other road users.

The proposal is therefore acceptable in terms of highway safety and conforms to Policies 2, 3, and 33 in terms of highway safety.

The Natural Environment

Policy 28 of the SELLP relates to the preservation and enhancement of the natural environment. While the loss of a protected stretch of hedgerow without prior consent is far from ideal, the authority has taken this application as notification of the works.

The comments of the Lincolnshire Wildlife Trust have been noted here. However, the proposal does already include a scheme of native hedgerow planting, of greater length than the 9m that was removed. It was noted by the officer while conducting the site visit that the new planting has already been commenced. This new planting is now protected under The Hedgerows Regulations 1997 and therefore cannot, legally, be removed. In essence this means that a management plan nor new planting will be required via condition.

The proposed scheme therefore conforms to Policy 28 of the SELLP in terms of the impact upon the natural environment.

Planning Balance

The proposal would not have any significant impact upon the visual landscape of the road. Furthermore, there would be no significant amenity impacts due to significant distances between the proposal and any neighbouring properties.

The relevant consultee from the Highway Department has raised no objections to the proposal, stating that the works will not have any significant detrimental impact upon Money Bridge Lane.

The comments made by the Internal Drainage Board have been noted, and the information passed

on to the applicants. From the submitted documents, no watercourse will be impacted by the development.

Pinchbeck Parish Council have voiced their support for the application, stating that the application would be in keeping with the street scene.

While the comments of the Lincolnshire Wildlife Trust have been noted, and have informed this report, their request for new planting is not necessary as a scheme of planting has already occurred. This new planting has legal protection under The Hedgerow Regulations 1997. As such, a management scheme should not be necessary.

The proposal conforms to Policies 2, 3, 28 and 33 of the SELLP. The planning balance is therefore in favour of the proposal.

Conclusion

The recommendation is for delegated 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.