

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0078-22 **Applicant:** Mr P & Mrs R Bowman

Proposal: Erection of boundary wall, erection of mesh fence to southern boundary and removal of boundary hedge and culverting of boundary dyke

Location: Elm Tree Grange Mill Drove North Cowbit

Terminal Date: 26th August 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2021

- 12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a householder application at Elm Tree Grange, Mill Drove North, Cowbit for the erection of a

boundary wall, erection of a mesh fence to the southern boundary, the removal of a boundary hedge and culverting of boundary dyke.

The proposal seeks to coppice trees on the southern boundary and provide green pvc coated mesh fencing to the north. On the eastern boundary existing hedging will be removed to be replaced with a line of acer campestre trees. Forward of these trees an existing boundary wall at the northern vehicular entrance will be continued at a height of 2.37 metres. The wall will be constructed from matching brick and bonding to the existing wall. The internal laurel hedge surrounding the domestic garden will be retained. The dyke along the western boundary will be piped. A tree protection statement has been submitted to ensure that the large trees adjacent to the northern vehicular entrance are protected during construction of the boundary wall.

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 site is in Environment Agency Flood Zone 3, and in a low hazard area, with a maximum predicted flood depth of 0.25 metres. As the proposal is not for habitable buildings there is no requirement to take any action to mitigate against flood risk and a flood risk assessment is not required.

RELEVANT HISTORY

H16-1343-06

Reserved Matters - Proposed replacement dwelling - Refused - 18 December 2006.

H16-1501-07

Full - Demolition of existing barn and replacement and retention of existing owl barn - Refused - 18 January 2008.

H16-0831-08

Full - Retention of existing barn and new replacement barn with garage and farm office - Approved - 24 September 2008.

H16-1027-08

Full - Proposed fence and gates (retrospective) - 07 November 2008.

H16-0998-09

Full - Proposed replacement dwelling - Withdrawn - 25 March 2010.

H16-0714-10

Full - Proposed replacement dwelling (re-submission of H16-0998-09) - Approved - 19 October 2010.

H16-0294-21

Full - Proposed Farm Machinery Store - Approved - 17 May 2021.

H16-0671-21

Prior Approval - Solar PV system on roof of building - Approved - 10 August 2021.

H16-0676-21

Condition Compliance - Details of surface water disposal (Condition 3 of H16-0294-21) - Approved - 20 August 2021.

CONSULTATION RESPONSES

Lincolnshire Bat Group

"Thank you for sending the ecology report for this application. It's an excellent report and no further comment is needed."

South Holland Internal Drainage Board to applicant

"As you are aware, at their most recent meeting on 10 May 2022 the Board discussed your appeal against the officer decision to refuse your application to culvert 126 metres of riparian watercourse at your property (our reference 22_06029_C). The Board upheld the officer decision to refuse the application and this information has been communicated to you separately by letter dated 27 May 2022."

The Board is unhappy that the works that have been undertaken without consent as per the Land Drainage Act 1991 and Byelaws. The works have been assessed in line with the enforcement policy and on this occasion the Board has determined not to pursue proceedings against you.

The Board is therefore closing this case. The Board however, reserves the right to take action to require removal of the works in the future if they are deemed to be the cause of any increased experience of flooding in the local area."

PLANNING CONSIDERATIONS

Principle of development

The proposal is for residential development in the residential boundary. 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 is considered to be appropriate for the site. Whilst some trees are being removed to facilitate the wall installation, a new row of acer campestre trees will be installed behind the wall. The character and appearance of the area is not considered to be materially impacted by the proposal which will improve the security of the garden, which has a long hedged boundary to the east south and west.
2. The design of the wall matches that of the existing wall and the tree species is in keeping with the existing trees on site. Due to the colour, the southern boundary green pvc fencing will not be visually prominent.
3. Brick and bonding of the proposed wall is to match that of the existing and would be conditioned as such.
4. The existing accesses and vehicle generation levels will not be impacted by this proposal.
5. The capacity of existing community services and infrastructure will not be impacted by this proposal.
6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposed works. The proposed boundary treatment is lower in height than the existing and is not visually prominent.
7. South Holland Internal Drainage Board chaired a meeting to discuss the culverting element of the application which they decided they could not support. The works to culvert the dyke have taken place contrary to the Board decision. The Board subsequently decided to not pursue the matter any further. On this basis, the proposed drainage details are considered acceptable to the local planning authority.

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 isn't considered to be impacted by this proposal. The size, scale and layout of the proposed is considered to be appropriate for the site. Whilst some trees are being removed to facilitate the wall installation, a new row of acer campestre trees will be installed behind the wall. The character and appearance of the area is not considered to be materially impacted by the proposal which will improve the security of the garden, which has a long hedged boundary to the east south and west.

5. Cycle and bin storage will not be impacted by this proposal. Nor will the amount of off road parking provision.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposed works. The proposed boundary treatment is lower in height than the existing and is not visually prominent.

12. South Holland Internal Drainage Board chaired a meeting to discuss the culverting element of the application which they decided they could not support. The works to culvert the dyke have taken place contrary to the Board decision. The Board subsequently decided to not pursue the matter any further. On this basis, the proposed drainage details are considered acceptable to the local planning authority.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the proposed boundary treatment is appropriately positioned and will not materially impact the character or amenity of the surrounding area. Whilst the culverting of the dyke was not supported the South Holland Internal Drainage Board, given that they have decided against pursuing the matter further, there is not considered to be a level of detriment to surface water drainage in the area that would necessitate a recommendation for refusal. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 14 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.