DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0085-23**	**Applicant:**	**Mr J Worrall**
Proposal:	Proposed new field access		
Location:	Land Adj Fengate Drove Weston Spalding		
Terminal Date:	28th March 2023		

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 9- Promoting Sustainable Transport.
Section 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking planning permission for a proposed vehicular field access to the land adjacent to Fengate Drove, Weston.

Site Description

The site in question forms part of an agricultural field to the south west of the field to the north. the new field access will be positioned along the east of Fengate Drove and to the north of Delgate Bank, Weston.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

Approve.

South Holland IDB

The Board's Officers have reviewed the documents submitted in support of the planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table and detailed overleaf attached in their comments.

Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

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.

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 the standard precautionary informatives.

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.

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 9 and 12 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.