

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0476-20 **Applicant:** Mrs A Newcombe
Proposal: Proposed Vehicular Access
Location: 20 Lincolns Avenue Gedney Hill Spalding
Terminal Date: 14th August 2020

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 2019

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

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full planning permission for proposed vehicular access at 20 Lincolns Avenue, Gedney Hill, Spalding.

Site Description

The area is predominantly residential. The site is part of a row of semi-detached two-storey dwellinghouses. Opposite the road, there is frontage development comprising a mixture of bungalows and detached two-storey houses.

Within the application site, the land to the front of the house is a gravelled drive. There is a footpath running to the front boundary. There is a low gradient slope from the edge of the footpath to the front elevation of the property. A 1.5 metre high close board timber fence adjoins the front drive of No. 22 (west) and a 1 metre high ramp handrail onto the drive of No. 24 (east).

History

None relevant.

Consultation Responses

LCC Highways/SUDS Authority

No objection.

Should permission be granted, an informative note to be added in order to ensure that the formation of the new vehicular access complies with Authority's specification.

Planning Considerations

The site is within the settlement boundaries of Gedney Hill as set out in the South East Lincolnshire Local Plan (SELLP), 2019. There is no objection to the principle of developing a vehicular access which is ancillary to the residential use of the site.

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 key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. 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 proposed access will be a crossover on the footway, extending 5.5 metres along the front boundary of the site. As the full width of the front boundary is approximately 9.20, 1.85 metres of footpath will remain unaltered on each side of the crossover.

The aim of the intended access is to be able to park the car within the curtilage. The householder members currently park their motor vehicle in a garage some metres away of the property.

The driveway is nearly 11 metres long between the edge of the footway and the front elevation of the property. Two cars could be parked side-by-side although the current dwelling occupiers have solely one car. Having regard to the width of the front area, there is sufficient room for motor vehicles entering and egressing the site in a safe manner.

In summary, it is considered that the design and layout of the proposed works would sit well within the plot and will be functional to the needs of the house occupiers. They will be in keeping with the residential use of the plot and character of the local area. Therefore, the proposals accord with the aforementioned policies regarding design, layout and impact upon the character of the local area.

Highway safety

Paragraph 109 of National Planning Policy Framework (NPPF), 2019 states that development

should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

LCC Highways/SUDS Authority has no objection to the proposals. One informative note though is requested to add to the permission in order to ensure that the formation of the new vehicular access complies with Authority's specification.

A few more dropped kerbs have been observed in the frontage development. In principle, the existing site layout and highways conditions in the immediacy do not indicate that an additional vehicular access will be unacceptable in terms of highway safety.

Therefore, it is assumed that the proposed vehicular access is acceptable on the grounds of highway safety and accords with Paragraph 109 of NPPF as well as Policies 2 and 3 of SELLP, 2019.

Conclusion

Taking into account the mentioned above, the proposal is considered to be in accordance with Policies 1, 2, 3 of the South East Lincolnshire Local Plan (2019); as well as Section 9 and 12 of the National Planning Policy Framework (2019).

It is therefore recommended to approve this planning application via delegated powers.

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.