

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0385-21 **Applicant:** Ms K Holland
Proposal: Proposed Vehicular Access
Location: 40 High Street Gosberton Spalding
Terminal Date: 15th June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

Provision of dropped kerb, crossover and hardstanding to facilitate vehicular access to allow on property parking to meet the needs of the disabled occupant. The hardstanding would enable a vehicle to turn.

SITE DESCRIPTION

Modest end of terrace bungalow, set back from the adjoining property. Front garden, which was previously lawn with flower beds either side of the pedestrian path is now all laid to gravel. Vehicular access to the dentist surgery adjoins the site. There is also a telegraph pole to the left hand frontage within the footway. The site is within the Gosberton Conservation Area.

RELEVANT PLANNING HISTORY

None.

CONSULTATION RESPONSES

District Councillor

Cllr S C Walsh - no observations.

Gosberton Parish Council

No comments.

LCC Highways

No objection, subject to standard informatives.

PLANNING CONSIDERATIONS

Highway Safety

Given the nature of the proposal, the key matter for consideration is highway safety.

The proposal would provide an on-site parking space to the front of the dwelling, with space to turn. The dropped kerb would not interfere with the existing telegraph pole.

Lincolnshire County Council have been consulted in their capacity as Highways Authority and have raised no concerns with the proposal.

Given the above, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan. 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. It is also in accordance with Section 9 of the National Planning Policy Framework (2019) which requires development proposals to ensure safe and suitable access for all users.

Visual Amenity and impact upon the Conservation Area

The only works that would be required in implementing the proposal would be the construction of a dropped kerb plus the hardstanding. The area to the front of the property is already gravelled. The proposal would therefore have a negligible impact in visual terms with a neutral impact upon the Conservation Area and be acceptable in the context of the relevant parts of Policies 2, 3 and 29. Dropped kerbs are entirely common in this particular portion of the Conservation Area. Dropping the kerb to create vehicular access will have a negligible impact upon the Conservation Area and any impact that would be generated would be considered to be neutral rather than negative. Therefore, due to the lack of an impact, this proposal is considered to conserve the Historic Environment in line with Section 16 of the NPPF(2019)

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 extension of vehicular access does not materially harm the character or appearance of the Conservation Area or amenity of nearby residents. The planning balance is therefore in favour of the proposal.

Conclusion

The proposal is considered to be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

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.

RECOMMENDATION

The application was referred to the Chairman's Panel on 28 May where it was accepted that the decision could be delegated.