

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0141-21 **Applicant:** Mr & Mrs D Wilson
Proposal: Extension of existing vehicular access
Location: 66 Spalding Road Holbeach Spalding
Terminal Date: 8th April 2021

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 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 permission for extension of existing vehicular access at 66 Spalding Road, Holbeach, Spalding.

The aim of the proposal is to remove the tree to improve highway safety when entering and egressing the site through the vehicular access. A new tree might be planted to prevent its total loss.

Site Description

The site is within the development footprint of Holbeach. Spalding Road is historically the main road access to Holbeach from the west. There is a well-defined frontage development onto both sides of this highway. A wide range of house types, ages, designs, and appearances has been observed along Spalding Road.

The property is long and narrow. The dwelling is a large semi-detached traditional house. A well-maintained and dense conifer abuts the front boundary and extends to the front of the adjoining semi-detached No. 68 to the west. There is a footpath and a verge between the front boundary and the carriageway.

The vehicular access forms part of a single 11.50-metre-wide dropped kerbed shared with the adjoining property No. 64 to the east. A mature tree is immediately adjacent to the west of the vehicular access.

History

H09-0194-21 - Siting of building for use as self-contained annexe - Undecided

Consultation Responses

LCC Highways Authority

The Arboricultural Officer has objected the removal of the tree for easing the proposed development.

"The tree requested for removal is a lime pollard 6m tall, 70cm diameter, hollow base, pollarded at 5m, roots lifting tarmac which has been laid up to bark (photo). The tree is hollow and decayed but is a historic feature of the road and if maintained as a pollard it should be safe to retain. The access to no66 is continuous with the access to no64 and is currently 10m wide. The proposal to widen the entrance would take it to 14m wide, and mean paving over the verge as well as removing a tree so not justified, also the proposed replacement tree would be close to a streetlight"

No confirmation has been made with regards to the presumably poor highway safety at the vehicular access.

Planning Considerations

Principle of development

The site is within the settlement boundaries for Holbeach as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of extending an existing vehicular access that is incidental to the enjoyment of a dwelling is acceptable.

Design and layout

Design is an overarching concept and the functional relationship of the proposed alteration to the vehicular access with its setting must be taken in account.

Policy 2 of SELLP, 2019 includes "the relationship to existing development and land uses" as one of the criteria to meet when assessing development proposals. Paragraph 127 of NPPF 2019 sets out that development should function well and add to the overall quality of the area; and create places that are safe, inclusive and accessible, among other criteria. Furthermore, Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

Therefore, highway safety is a key design consideration of this development given the relationship between the vehicular access and the highway features as well as the adjacent plots.

The proposed widening of the vehicular access entails the removal of the existing tree which appear immediately adjacent to the west. The tree is a lime pollard 6m tall, 70cm diameter, hollow base,

pollarded at 5m and roots lifting tarmac which has been laid up to bark. The tree is hollow and decayed but is a historic feature of the road. Similar trees characterise the street scene in Spalding Road.

The width of the existing dropped kerb is up to 10 metres. The access serves the application property as well as the adjacent one to the east (No. 64). The crossover is of a of continuous form between both properties. No feature has been built to split the plots on the vehicular access.

The proposed alteration would increase the width up to 14 metres subject to the removal of the tree. The applicant justifies that the proposal is necessary to improve the highway safety standards which are claimed to be poor. The County Highway Authority has not indicated any approval with this statement. Their Arboricultural Officer pointed out that the existing arrangements are sufficient to ensure good safety standards for the motor vehicles users.

It is of case officer's opinion that the existing tree is a historic features of the street scene as many other mature trees in Spalding Road. It is unclear where the replacement tree would be planted. There is a streetlight a few metres to the west of the vehicular access and a new tree would be clearly in conflict with it by reason of proximity in accordance with the County Arboricultural Officer.

Planning Balance

The principle of extending an existing vehicular access that is incidental to the enjoyment of a dwelling is acceptable. However, the proposal for widening the dropped kerb and remove the tree are justified to improve the poor highway safety when entering and egressing the site.

The County Highway Authority has not confirmed poor highway safety is a fact at such location. Their Arboricultural Officer stated that the tree has some historic significance to the street scene and the replacement tree would be clearly in conflict with an existing streetlight in the immediacy of the vehicular access.

On balance, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 2 and 3 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to refuse this 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.