

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1162-19 **Applicant:** Mr G McKerrell
Proposal: New vehicular access
Location: Five Trees St Marks Road Holbeach St Marks
Terminal Date: 24th February 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 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 new vehicular access at Five Trees, St Marks Road, Holbeach St Marks, Spalding.

Site Description

The site is within the built-up area of the village of Holbeach St Marks. The area is characterised by

a frontage of detached houses on the northern side of St Marks Road. Only a cluster of three cottages is found opposite the road. Open fields extend beyond the footprint of the village.

History

None.

Consultation Responses

Lincolnshire County Council as Highway Authority

No objection.

An informative note reminding to require approval from the Highway Authority should be attached.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Holbeach St Marks 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 inherent to this property. No sequential approach can be applied to steer development to more sustainable locations. The key policy issues therefore relate to the material considerations made below.

Design and layout

There is an existing blackthorn hedgerow on the front boundary and a verge abutting the road. Two trees are on the sides of the intended vehicular access. The hedgerow would be partially removed to accommodate the development and subsequently replaced with gates.

A crossover would be created between the road and the actual front driveway. The layout of the existing driveway within the curtilage would be also altered.

In addition to the vehicular access, the proposal also includes a narrow footpath separated from the vehicular access and a 1 metre high timber fence partially on the eastern boundary with the adjacent property Rainbow End. The fence would constitute planning permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Highway safety and car parking

The principle of creating a new vehicular access at this location has not been objected to on the grounds of highway safety by the statutory consultee. Further details should be agreed with them at a later stage as the informative note indicates.

The proposed layout for the drive appears to accommodate at least 3 cars which would be the highest number of spaces according to the minimum requirements for car parking provision contained in Appendix 6 of SELLP.

Conclusion

Taking into account the mentioned above, the proposal is considered to be in accordance with Policies 1, 2, 3 and 36 of the South East Lincolnshire Local Plan (2019) as well as Section 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.