

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H11-0345-20	Applicant:	Mr G Stancer
Proposal:	Proposed vehicular access and erection of fence		
Location:	12 Lime Walk Long Sutton Spalding		
Terminal Date:	23rd June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for proposed vehicular access and erection of fence at 12 Lime Walk, Long Sutton, Spalding.

Site Description

The character of the area is residential. There is a variety of dwelling types, designs, ages and appearances along the street scene of Lime Walk as the plots were individually developed. In contrast, the application property and the remainder of the houses in St Thomas Court has a limited variety since all dwellings form part of the residential scheme approved under outline permission ref. H11-1131-87 and subsequent permissions.

The site is a corner plot abutting the highway junction of Lime Walk (east) and St Thomas Court (south). The property is a two-storey detached house facing Lime Walk. The front garden is grassed. There is a paved slab path from St Thomas Court to the main entrance of the house. The land adjoining is predominately gravelled as a driveway. A dropped kerb for pedestrians has been observed on the foot walk a few metres from the highway curve. No boundary treatment on the site adjoining the foot walk.

History

None.

Consultation Responses

Members of the public

One representation has been made raising an objection in the following terms:

- The cars entering and exiting the site through the proposed access will be in conflict with cars regularly parked on-street opposite of St Thomas Court.
- The cars might be work vehicles which might be larger and require a greater turning point, thereby further exacerbation of highway unsafety.
- Cars are parked on-street opposite the road because a trailer is parked on the single-space driveway.

LCC Highways/SUDS Authority

No objection.

An informative note be added to the decision should permission be granted. It is also reminded that should any of the approved works affect any items of street furniture within the public highway, the applicant needs to arrange this with the necessary party at their own expense and ensure that the new location does not affect visibility.

Planning Considerations

The site is within the settlement boundaries of Long Sutton 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 plot.

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 vehicular access will consist of a dropped kerb on St Thomas Court. It will be 3.68 metre wide on the edge of the footwalk and 5.52 metre wide on the edge of the carriageway.

The driveway would extend across the front and southern side of the property. After following discussions with the agent in view of initial comments made by County Highways Authority, a turning point was incorporate to the driveway layout. This will contribute to ensure that drivers can exit the site to the highway in a safe and forward manner.

The proposed fence will measure 2 metre high timber close board. It will be slightly set back from the edge of the foot walk and would allow to gain further floorspace for the rear garden. The position and length of the fence will not be excessive and therefore it will not create any adverse impact upon the street scene.

The proposed works will entail the loss of grassed land in order to surfacing the proposed driveway. However, an alternative layout might have been a vehicular access from Lime Walk and the area to pave might have been larger than the proposed. Furthermore, the proposed layout will make the most of the existing gravelled area to the south of the property and grassed area will remain at the front of the site.

On balance, it is considered that the design and layout of the proposed works would sit well within the plot and will be functional to their purpose. They will be in keeping with the residential use of the plot and character of the local area. Therefore, the development will accord with the aforementioned policies regarding design, layout and impact upon the character of the local area.

Highway safety

There were initial concerns with regards to the lack of a turning point to ensure that the drivers could exit the site in a safe and forward manner. Revised plans were accordingly submitted. The final revision shows a turning point and sufficient room for manoeuvring within the curtilage.

As a relevant matter, the resident representation has raised the conflict of cars going through the proposed access with the cars regularly parked on street opposite the road. The width of the carriageway is approximately 5.50 metres. At such distance, no conflict should occur. LCC Highways Authority has not made any reference in this respect. In any case, and without underestimating the representation made, on-street parking should be prevented as much as possible and therefore this should not be used as a reason for objecting to the proposals. The fact that the objector has to park a trailer on their driveway does not sufficiently outweigh on-street parking on a regular basis. In summary, LCC Highways Authority has raised no objection in terms of highway safety subject to the addition of informative notes should permission be granted.

With regards to the car parking provision, 3 spaces for dwellings with 4 or more bedrooms is the maximum required by the Local Planning Authority following Appendix 6 of SELLP (2019). Irrespective of the number of bedrooms in the property, the proposed driveway can accommodate such number of car spaces, two next to the southern side elevation and one further to the front. Thus, the development will also comply with Appendix 6 of SELLP (2019).

Conclusion

Taking into account the mentioned above, the proposal is considered to be in accordance with Policies 1, 2, 3 and 36 and Appendix 6 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.