

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0120-20 **Applicant:** South Holland District Council

Proposal: Proposed Vehicular Access

Location: 13 Station Road Moulton Spalding

Terminal Date: 1st October 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

National Guidance

National Planning Policy Framework 2019

Policy 2 - Development Management
Policy 3 - Design of New Development

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full householder planning application for a proposed vehicular access at 13 Station Road, Moulton.

The proposal is for a new vehicular access at the front of the property, including a dropped kerb on the public footpath with a turning point in the driveway.

Site Description

13 Station Road is a semi-detached property which fronts Station Road in Moulton.

On the same side of the road, there are semi-detached houses of similar style which have front gardens of comparable size to the property in question. No's 15, 17, 21, 23 and 25 have existing dropped kerb accesses off Station Road, with parking within the curtilage at the front of the property.

The proposed vehicular access would be directly opposite the junction of Orchard Close to the east of the property.

There is an existing hedge at the footpath edge which is approx. 1m in height.

History

None relevant.

Consultation Responses

Lincolnshire County Council - Highways/SUDS

Does not wish to restrict the grant of permission.

Moulton Parish Council

Support.

Public (1 comment, summarised)

No objection but queries whether their kerb could be lowered at the same time.

Planning Considerations

The key issues for consideration in respect of this application are highway safety and visual impact.

Highway Safety

The driveway is proposed to be approx. 2.7m in width and approx. 7.9m in length from the footway to the front of the house.

When considering highway safety, it is noted that No. 13 is directly opposite the junction of Station Road with Orchard Close. This means that on road parking on this part of Station Road could compromise highway safety. Consequently, the provision of parking within the curtilage of the property would be an improvement in this respect. Furthermore, the proposed vehicular access includes the provision of a turning point with the widest point of this section measuring approx. 8m. This will allow vehicles to enter and exit in first gear, in accordance with the requirements of the Highway Authority.

Part of the existing hedge to the front of the property will be removed to create sufficient width for the vehicular access. The rest of the hedge will remain intact.

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 impact

There is not considered to be a material visual impact arising from the proposal. There are other instances of off road parking in the vicinity. The hardstanding and turning area is a typical arrangement for a domestic property.

Conclusion

In light of the considerations above, the proposed development is considered to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Sections 9 and 12 of the National Planning Policy Framework (2019).

Therefore, the recommendation is for delegated approval.

This application was referred to Chairman's Panel on 29 May 2020, where it was agreed the decision could be delegated to officers.

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.