

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H14-0212-20	Applicant:	Pinchbeck Parish Council
Proposal:	Use of land for parking area for up to 8 cars		
Location:	Adj. 2 Six House Bank West Pinchbeck Spalding		
Terminal Date:	24th April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

NPPF 2019

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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Application made by the Parish Council for the use of land for parking area for up to 8 cars. The parking would be formed by a gravel/permeable hardstanding. This would involve a dropped kerb of 23 metres accessed from Six House Bank.

Site Description

The land is currently a grassed verge at the back end of the highway, bounded to the rear by Dovehirne Drain.

History

None relevant.

Consultation Responses

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission and suggest informatives to cover off the concerns of the Internal Drainage Board, that are set out below, for ease.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

IDB Comments provided by LCC:

Rainfall Runoff

The applicant has indicated within the application that surface water from the proposals are to be to the adjacent watercourse to the north. If this is the case, then the prior written consent of the Board is required for any additional flows into the Board's systems, for any outfall headwalls placed in the bank.

However, the applicant has also indicated that the material to be used for the proposals will be permeable, which would indicate that infiltration or a soakaway will be used. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code.

The applicant is advised that any excess run-off from the area during an extreme event may waterlog the adjacent ground, and this in turn may prevent the Board from using the maintenance strip without damaging the grassed area with tyre ruts or tread marks from excavators. The Board would therefore recommend a filter trench or French drain be placed around the perimeter of the parking area to mitigate against this occurring.

Access to Watercourses / Byelaws

As acknowledged by the applicant, the open watercourse on the northern boundary of the site is a Board-maintained Watercourse. The Board does not own the land within which the watercourse lies.

The applicant is therefore reminded that if they are the owner of the land concerned, then they remain responsible, within common law, for the ownership and maintenance of the adjacent watercourse up to the centreline, regardless of whether the watercourse is maintained by the Board.

The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse without the prior written consent of the Board.

The proposals, whilst primarily at ground level, will still affect how the Board maintains its assets. An

application for consent to relax the byelaw should therefore be submitted.

The applicant is reminded that any consented structures placed within the 9 metre byelaw distance will be entirely at their own risk.

The applicant should not assume that consent has been granted by virtue of this information.

SHDC Environmental Protection

No objection.

Black Sluice Internal Drainage Board

As provided by LCC and set out above.

Third Parties

No representations received.

Planning Considerations

Principle of development

The provision of safe and adequate parking facilities for settlements is part of the principle intentions of the South East Lincs Local Plan, and as such, is considered to be acceptable, subject to other matters, which are set out below.

Highway Safety

It is considered that the provision of 8 parking spaces on this piece of land would not impact on highway or pedestrian safety along Six House Bank and the adjoining roads, and as such the proposal is in accordance with Policies 2, 3 and 36 of the SELLP.

It is to be noted that LCC Highway Service raises no objection to the proposals.

Visual impact

Although this would lead to the loss of a green verge, it is not considered that on balance this would have such a visual impact on the character of the area that it should be refused. The site is opposite dwellings and the parking would be read as part of the residential nature of this part of Six House Bank.

Flooding and Drainage matters

There is no objection from LCC SUDS to this application, and the Black Sluice Internal Drainage Board raise some issues that would be covered via separate legislation. These considerations are expressed within an informative.

Conclusion

It is considered that the development would accord with Policies 2, 3, 4, 5 and 36 of the South East Lincolnshire Local Plan 2019 and the provisions of the NPPF 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.