

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0025-20 **Applicant:** Miss C Burton
Proposal: New Vehicular Access
Location: 166 Queens Road Spalding
Terminal Date: 10th 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

National Guidance

National Planning Policy Framework 2019

Paragraphs 11, Sections 9 & 12 of the National Planning Policy Framework (2019)

Paragraph 11 - The presumption in favour of sustainable development
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for a new vehicular access at 166 Queens Road, Spalding. The proposal seeks to provide a dropped kerb approximately 4.5 metres in width to the front of the property.

SITE DESCRIPTION

The proposal is within defined settlement limits with terraced dwellings of a similar age and design to the eastern side of Queens Road on which the access will be sited, and semi-detached dwellings to the western side. A small number of other dwellings in the immediate vicinity also have dropped kerbs to the front elevation, with the majority of car owners parking their vehicles on either side of Queens Road close to their property. An alleyway runs between the property and 168 Queens Road to the north.

RELEVANT PLANNING HISTORY

None

REPRESENTATIONS

LCC - County Highways & SUDS Officer

No objections

CONSIDERATIONS

Planning Considerations

Principle of development

This proposal requires an application for planning permission because Queens Road is a classified road. The land beyond the driveway on which a vehicle can be sited is in residential use and is currently gravelled.

Highway safety

There is not considered to be a material impact on highway safety from the proposal. Whilst a roadside parking place will be removed, that place will be replaced by driveway parking to the front of the dwelling.

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. Some properties where off road parking occurs are served by a dropped kerb and some are not.

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 Section 9 of the National Planning Policy Framework (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.

RECOMMENDATION

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.