DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0231-21**	**Applicant:**	**Mr I Dignall**
Proposal:	Extension of existing vehicular access		
Location:	76a Bourne Road Spalding		
Terminal Date:	29th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 9 - Promoting sustainable transport
Section 12- Well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed extension of an existing vehicular access to the property at no. 76A Bourne Road, Spalding.

Site Description

The proposal site accommodates a detached dwelling to the north of Bourne Road, Spalding. The area is characterised by frontage residential development of a wide variety of design. Bourne Road is one of the main roads to the west of Spalding and, as such, would see a reasonable level of traffic.

The property itself has a large block paved front driveway and a 0.33m high bricked wall as the boundary treatment to the front. The front driveway is currently being used as a parking area for the residents cars.

History

H16-0038-15- Approved 12-03-15- Residential Development - re-submission of H16-0802-14.

Consultation Responses

Cllr A M Newton - Support - Will enable more vehicles to park off road.

Local Highway and Lead Local Flood Authority - Does not wish to restrict the grant of permission.

1no. Public comment - Support- Extension is necessary to reduce the risk of collision when exiting and entering.

Planning Considerations

Highway Safety

Given the nature of the proposal, the key matter for consideration is highway safety.

The proposed extension of the existing dropped kerb and the reduction in width of the existing bricked wall to the front boundary will allow more convenient access for parking for the occupants on the property.

The Highways Authority have not objected to the proposal on highway safety grounds.

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 Amenity/Design

The proposal is to extend the existing dropped kerb by 3.7m and for the existing boundary wall to be reduced from approx. 7m wide to 2.5m wide to allow wider access onto the frontage of the property from the road.

It is considered that the proposal would have a negligible impact in visual terms and is acceptable in the context of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Planning Balance

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 proposed extension of vehicular access will not materially harm highway safety, the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 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.

Conclusion

The recommendation is for a delegated approval.