DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0310-22**	**Applicant:**	**Boston College**
Proposal:	Re-surfacing of Crackpool Lane		
Location:	Red Lion Quarter Crackpool Lane Spalding		
Terminal Date:	14th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the re-surfacing of Crackpool Lane, at the Red Lion Quarter, Spalding. The resurfacing is required because of the condition of the surface being a Health and Safety risk due to movement of cobbles caused by a combination of sinking and turning of

cars/lorries. The proposed tarmac would result in a smooth and safe surface for both vehicles and pedestrians and provide the College with a long-term maintainable surface.

Site Description

The site is situated within the Spalding Conservation Area and is within the historic core of the town centre. Crackpool Lane is at the entrance to Boston College on the northern side and provides vehicular access.

History

H16-0577-09- Approved on 27-10-09- Proposed food centre; food hall, retail units, restaurant, exhibition space, further education/higher education accommodation, meeting rooms, managed workspace, associated works and demolish 4 existing cottages and wall.

Consultation Responses

Greg Watkinson, Conservation Officer

I wish to raise no objection to the principle of this proposal from a conservation perspective. Whilst the loss of an alternative surface covering is regrettable, the brick paving along Crackpool lane is late C20th in nature and covers only a relatively small area, meaning its loss, should not be of great consequence to the general character of the area. Macadam roads are pre-eminent even within this central portion of the conservation area, and so such works would not be out of character for the area.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Heritage Impact

Whilst it would be preferable for cobbles to be retained, the proposed development will have minimal impact upon the value or significance of the conservation area. This is because the proposal only seeks to provide a small amount of hardstanding tarmac to a pre-existing roadway setting. Macadam roads are pre-eminent even within this central portion of the conservation area, and so such works would not be out of character for the area. Therefore, due to the neutral impact that this proposal would have, it is deemed to help to conserve the historic environment in line with Section 16 of the National Planning Policy Framework (2021).

Highway safety

The Local Highways authority have raised no objection to this proposal. It is therefore not considered that the proposed re-surfacing of Crackpool Lane would impact upon Highway safety in anyway and therefore, the proposal complies with policies 2 and 3 in the SELLP, 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 re-surfacing of Crackpool Lane will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 1, 2, 3, 25 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

Conclusion

Therefore, this application is recommended for approval.

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.