

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0336-20 **Applicant:** Mr R Carter
Proposal: Proposed vehicular access to serve 35A London Road
Location: The Elms 35 London Road Spalding
Terminal Date: 4th September 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 15 and 16 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the creation of a new vehicular access within the shared area between 35 and 35A London Road, Spalding.

The proposal includes the following;

- Partial demolition of existing front boundary wall.
- Lowering of curb
- Creation of new paved accessway bridging the space between the existing hard standing and the public footpath.
- Felling of existing Monterey Cypress tree to provide access.

Site Description

The proposal site is a to the front of the Locally Listed 35a London Road, and is situated within the large garden/driveway area which enjoys shared access by both 35 and 35a. The area is heavily planted with CA protected trees.

The plot sits in a prominent location within the highly characterful riverfront portion of the Spalding Conservation Area. The immediate area surrounding the property can be characterised by residential properties, mostly ranging from Georgian, Victorian, Edwardian and early C20th designs, unlike most areas of the Conservation Area, this portion is almost uniquely unaffected by obvious modern development.

History

H16-0161-13

Works to reduce a large mature beech tree in the garden of 35 London Road, Spalding. The tree is on the frontage of the property and is within Spalding Conservation Area. The works to be a reduction in height to no lower than as indicated by the dotted line on the attached photograph (as amended on 6.3.13) and pruning to balance the top third of the canopy of the tree to new growth points. The red dotted line shows the maximum works allowed.(The applicant mentioned that the width of the lower canopy was largely to be retained so some of the lower red dotted line on the photograph may not be indicative of the retained canopy). TPS TREE WKS CONSENT APPROVED on 02-04-13

H16-0216-15

Works to reduce two yew trees in the grounds of 35 London Road, Spalding. The trees are within Spalding Conservation Area. Please see the plan and photographs provided with the notification and attached to this letter of no objection. Yew 1.reduction as shown on marked up photo, a reduction in the crown by the removal of no more than 1.5-1.75 metres maximum from all round the periphery. 'The tree is overgrown for its location and is overshadowing and damaging the smaller trees close to it.' Yew 2.reduction as shown on marked up photo, a reduction in the crown by the removal of no more than 1.0-1.75 metres maximum from all round the periphery. 'The trees branches are beginning to snag overhead telephone cables and a neater shape would be more attractive.' TPS TREE WKS CONSENT APPROVED on 13-04-15

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections provided that Highways Informative Note 03 is added to the informatives portion of the Conditions.

Trees and Nature Conservation Officer

The Trees and Nature Conservation Officer does not object to the removal of the Monterey Cypress tree, but requests that it be conditioned that a 'no-dig' methodology is conditioned alongside requiring the new hard-standing material to be porous in nature. Furthermore, there should be a condition requiring that soil levels should not be altered.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk to the value or significance of

any local heritage assets, be they designated or non-designated. Whilst the affected boundary/garden wall is historic in nature and forms a significant element of the street frontage character of the area within visual range, the proposal to create a modest entrance way should not impact this in any great manner and will not have any impact upon the general character of the area or the locally listed property within which this proposal is in the setting of. For the aforementioned reasons, due to the lack of an impact that this proposal will have upon the local character, this application must be considered to help to conserve the historic environment.

Trees and Nature Conservation

The Trees and Nature Conservation Officer (TNCO) has been consulted on this application due to the proposed removal of a protected Monterrey Cypress Tree. The proposed removal of the tree has been considered and the TNCO has raised no concerns. However, to prevent damage to any of the other extant trees, it has been requested that it be conditioned that; 1) any new hardstanding be constructed using porous materials, 2) a 'no-dig' methodology should be employed; and 3) that soil levels around existing trees should not be altered.

Parking Provision

The proposal site already has ample provision for parking in accordance with Appendix 6 of the South East Lincolnshire Local Plan (2019). This application does not seek to alter that amount of provision, instead, it simply seeks to provide an additional access to the pre-existing provision.

Conclusion

This application is found to be in accordance with Policies 1, 2, 3, 28, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) in addition to sections 12, 15 and 16 of the National Planning Policy Framework (2019). 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.