DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0343-20**	**Applicant:**	**Ms R Stevens**
Proposal:	Proposed Vehicular Access		
Location:	36 Cowbit Road Spalding		
Terminal Date:	23rd June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 12 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 planning application is for the creation of a new vehicular access at 36 Cowbit Road, Spalding. The proposal seeks to create a dropped kerb with a width of 5.5m out of a total property width of 7.3m.

Site Description

The proposal site is a semi-detached residential property in the prominent riverfront area of the Spalding Conservation Area. The area is characterised by residential development of wide variance in terms of desing and period of construction, Cowbit Road forms one of the primary entrance and egress routes for Spalding and as such sees significant traffic. The host property itself is an Edwardian period property which does hold some aesthetic value and does contribute towards the overall character of this portion of the Conservation Area.

History

None relevant

Consultation Responses

Lincolnshire County Council Lead Local Highways and Flood Authority

Does not wish to restrict the granting of planning consent.

Planning Considerations

Design

As the proposal is a simple dropped kerb it will have a negligible design impact upon the property or the local area.

Conservation Area

Dropped kerbs are entirely common in this particular portion of the Conservation Area. Dropping the kerb to create vehicular access will have a negligible impact upon the Conservation Area and any impact that would be generated would be considered to be neutral rather than negative. Therefore, due to the lack of an impact, this proposal is considered to CONSERVE the Historic Environment in line with Section 16 of the NPPF(2019)

Parking Provision

As it currently stands, this property has no vehicular access and therefore no formally recognisable dedicated parking provision, dropping the kerb will allow ease of access for roughly 2 vehicles, increasing this property's accordance with Policy 36 and Appendix 36 of the South East Lincolnshire Local Plan (2019)

Road Safety

Lincolnshire County Council have been consulted in their capacity as Lead Local Highways Authority and have raised no concerns with the proposal and are satisfied with the proposal provided that Highways Informative 03 be applied in the conditions.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), In addition to Sections 12 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.