DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0454-20**	**Applicant:**	**Mrs S Burrell**
Proposal:	Proposed Vehicular Access		
Location:	79 Halmer Gate Spalding		
Terminal Date:	6th August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

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 planning application for a proposed vehicular access at 79 Halmer Gate, Spalding.

The proposal would entail a new dropped kerb on the public footpath.

SITE DESCRIPTION

The application site accommodates a detached property which fronts Halmer Gate. The area to the front of the property is currently gravelled and used for parking, despite not benefiting from a dropped kerb. The vast majority of properties along Halmer Gate already have dropped kerb accesses and parking space within the curtilage.

The proposed vehicular access would be situated north-west of the junction of Avebury Gardens, which is located to the south-east of the property on the opposite side of Halmer Gate.

RELEVANT PLANNING HISTORY

None relevant.

REPRESENTATIONS

LCC Highways/SUDS - Does not wish to restrict the grant of permission. Requests highways informative.

PLANNING CONSIDERATIONS

Highway Safety

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

The dropped kerb is proposed to be approx. 1.8m in width to the front of the house, which would be almost the full width of the property's curtilage. It should be noted that the area to the front of the property is already used for vehicle parking by the occupants of the dwelling and the construction of a dropped kerb would allow easier access.

Lincolnshire County Council have been consulted in their capacity as Highways Authority and have raised no concerns with the proposal.

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

The only works that would be required in implementing the proposal would be the construction of a dropped kerb. The area to the front of the property is gravelled and therefore already suitable for the parking of vehicles. The proposal would therefore have a negligible impact in visual terms and be acceptable in the context of the relevant parts of Policies 2 and 3.

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 Sections 9 and 12 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 31 July 2020, where it was agreed the decision could be delegated to officers.