

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0503-21 **Applicant:** Mr K Ingleton
Proposal: Proposed Vehicular Access with turning area and move existing bus stop
Location: 81 Pinchbeck Road Spalding
Terminal Date: 2nd August 2021

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 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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the creation of a new vehicular access (dropped kerb) including the moving of an existing bus stop at the front of 81 Pinchbeck Road, Spalding. The proposal will also lead to the demolition of a small part of the front garden pony wall that is original to the property.

Site Description

The proposal site is a semi-detached, late-victorian town house featuring bay window and distinctive quoins. The property is not listed, however, it does sit within the Conservation Area. To the front of the property, there is no vehicular access or dropped kerb, however, the neighbouring property does have this feature. Furthermore, to the front of the property is the Pinchbeck road bus stop.

The area in general can be characterised by residential development in a tree-lined avenue setting. The obvious exception to this being the adjacent car dealership, sitting just outside of the boundary of the Conservation Area.

History

None applicable.

Consultation Responses

Lincolnshire County Council Lead Local Highways and Flood Authority

The Lincolnshire County Council Highways Authority were consulted and originally asked for additional plans as well as a health and safety audit. The applicant subsequently provided these details and as such, the LCC highways authority have returned a comment of no objections subject to the application of Highways Informatives 03, 08 and 07, as well as Highways condition 21 to any approval.

Planning Considerations

Highways Safety / Maintenance

The Lincolnshire County Council Highways Authority have raised no objections to the proposal, subject to the application of several standard informatives and a condition.

Heritage Impact

The Local Planning Authority is not concerned that this application presents any form of harm to the Historic Environment, as the proposal to drop a kerb and move the bus stop has no bearing upon the character of the Conservation Area or the host property. The proposal does include the demolition of a small portion of the original front pony wall (which holds some minor character value) to create a vehicle entrance, however, this will only take the form of an expansion of the current gate opening and is limited to the loss of materials only necessary to create the opening - the vast majority of the wall will be otherwise retained. Because of the minor impact upon the character of the Conservation Area the impact of this proposal is considered to be almost neutral. By virtue of the neutral impact, this application can be said to help to conserve the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021)

Parking Provision

By allowing independent vehicular access, this proposal will formalise the parking provision for 81 Pinchbeck Road from having no parking provision to an amount well within the parking standards set forth by Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019)

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). 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.