DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H16-0960-17** | **Applicant:** | **Delicija** |
| **Proposal:** | Replacement ramp access and associated works | | |
| **Location:** | Unit 2, 20 Westlode Street Spalding Lincs | | |
| **Terminal Date:** | 5th February 2018 | | |

**Planning Policies**

**Local Plan July 2016:**

**National Guidance**

**National Planning Policy Framework 2018**

Sections 12 and 16of the National Planning Policy Framework (2018)

**Representations:**

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

**CASE OFFICER ASSESSMENT**

This is a full planning application for a replacement ramp across the frontage of unit 2 belonging to a group of 4 shop units fronting Westlode Street which are used as fast food takeaway outlets. The site is located within the defined settlement limit of Spalding, and within the Conservation Area for Spalding.

The existing ramp is in poor condition, and was originally erected to the frontage of all four shop units without planning permission. Attempts were made to regularise the works, but the standard was not considered of a high enough standard for the Conservation Area. There is a need for the ramps to gain access to the units, especially for the disabled as the finished floor levels are high when compared to street level. However, the County Highways have requested the applicant provide details of ownership by producing a title deed to see if this differs from their own records. Otherwise, the view would have to be taken that the ramp is to be built on Highways land, and should be refused.

Emails were received from the agent on 17 January 2018 and 16 October 2018. The recent email stated "I have been advised by the management company that the land is under the buildings ownership and not the highways ownership." A return email was sent to the agent on 16 October 2018 asking "Do you have any land registry documents or other documents that would confirm ownership? Correspondence received from County Highways on 08 January 2018 contests ownership of this land." To date, no evidence has been received.

The Conservation Officer commented on the application as follows:
"Having looked into the case I consider that black metal railings to the ramped/raised section would be far smarter and would work better in preserving/enhancing the Conservation Area than timber which would look out of place and deteriorate over the years." The plans have been subsequently amended to address this.

The application does not accord with Paragraph 109 of the National Planning Policy Framework (2018) which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The agent has failed to address land ownership to the satisfaction of the Local Planning Authority, having twice been unable to produce written evidence that the proposed ramp is within the ownership of the unit and not located on the public highway. Therefore the only recommendation the Local Planning Authority can make is one of refusal in accordance with Section 16 and Paragraph 109 of the National Planning Policy Framework (2018).