

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1268-21 **Applicant:** Mr A C Thacker & Mrs L Durrent

Proposal: Proposed Vehicular Access

Location: 96 Winsover Road Spalding

Terminal Date: 3rd February 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2021

Section 12 of the National Planning Policy Framework (2021)

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 96 Winsover Road, Spalding. The proposal seeks to provide a 4.5 metre wide dropped kerb that is constructed to Lincolnshire County Highways specification. Beyond the proposed dropped kerb is a gravelled parking area. This

gravelled area can accommodate two vehicles.

SITE DESCRIPTION

The site is in defined settlement limits and is a terraced property with 98 Winsover Road to the west, and 94 Winsover Road to the east. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. A dropped kerb in this location will not increase the likelihood of flooding.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

LCC - Highways & SUDS Officer

No objections. Requests standard access and utility informatives.

PLANNING CONSIDERATIONS

Principle of development

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside the Spalding Defined Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within the settlement boundaries of Boston and Spalding, development will be permitted that supports their roles as Sub-Regional Centres.

In this case, the proposal is for a new vehicular access ancillary to the existing dwelling. Therefore, the principle of development for the proposal is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is that of standard dropped kerb. No trees will be removed to facilitate this proposal. There are a number of dropped kerbs in the vicinity and this application is not considered to impact the character and appearance of the surrounding area.
2. The design of the access is of a standard width and will be constructed to LCC Highways Department standards. The orientation is considered to be appropriate to facilitate easy entry and exit from the gravelled parking area to the front of the dwelling.

3. Materials of construction will be to LCC Highways Department specifications.

4. This application provides two off road parking spaces and therefore reduce instances of street parking. Whilst this terraced row was not originally constructed with off street parking, providing two off road parking spaces means that this provision now accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

5. The capacity of existing community services and infrastructure is not impacted by this proposal.

6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from this proposal. There are a number of dropped kerbs in the vicinity and they are not considered to impact the character of the area, nor the amenity of pedestrians and road users.

7. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. A dropped kerb in this location will not increase the likelihood of flooding.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The size, scale and layout is that of standard dropped kerb. No trees will be removed to facilitate this proposal. There are a number of dropped kerbs in the vicinity and this application is not considered to impact the character and appearance of the surrounding area.

5. The proposed dropped kerb is not considered to impact refuse or cycle storage which can be provided by the sizeable garden to the rear of the dwelling. This application provides two off road parking spaces and therefore reduce instances of street parking. Whilst this terraced row was not originally constructed with off street parking, providing two off road parking spaces means that this provision now accords with Appendix 6 of the SELLP which requests a minimum of two off road parking spaces for dwellings with three bedrooms or fewer.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from this proposal. There are a number of dropped kerbs in the vicinity and they are not considered to impact the character of the area, nor the amenity of pedestrians and road users.

12. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. A dropped kerb in this location will not increase the likelihood of flooding.

PLANNING BALANCE

It is considered that the proposed access is of an appropriate width and siting. Provided the access is constructed to LCC Highways Department standards then there will not be a material impact on the character and amenity of the surrounding area. This application therefore accords with Policies 1, 2, 3, 36 and Appendix 6 of the South East Lincolnshire Local Plan as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

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.