

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H19-0362-20 **Applicant:** Mr M Baker
Proposal: New Vehicular Access (retrospective)
Location: The Firs Coronation Avenue Throckenholt
Terminal Date: 26th September 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective permission for new vehicular access at The Firs, Coronation Avenue, Throckenholt, Spalding.

Site Description

The site is part of the built-up area of Throckenholt and stretches along South East Bank (north).

However, the main access is on Coronation Avenue (west) and the residential plot is onto this road. The remainder of the land is a large grassed area with no major evidence of being used as a domestic garden.

The new vehicular access is in South East Bank and adjoins one further site access that serves a different site. A timber fence delimits both accesses. There is a significant difference in site levels between the site and the highway. Both access are on a slope.

The surface on the application's vehicular access has rubble. A dense hedge of trees and shrubs is on the northern boundary of the site. A narrow verge is between the edge of the highway and the access.

History

None.

Consultation Responses

LCC Highways/SUdS Authority

No objection.

However, it is reminded that the current hardcore access is not permitted within the public highway and the access must have a 1m buffer of bound material inside the private curtilage to prevent overspill on to the public highway.

An informative note should be attached to ensure that the development complies with Authority's specification.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Throckenholt as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of a vehicular access for functional needs is acceptable irrespective of spatial strategy considerations.

The applicant confirmed that the new access has been formed to enjoy vehicular access to the land. No access is available unless by foot from the residential plot of the First. It has been confirmed that the use of the land is so far for incidental enjoyment to the householders (dog walking) with their friends and relatives.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Design and layout

The existing surface of the site access has rubble and soil. The Highway Authority expressed some concerns about the absence of treated surface to ensure safe vehicular traffic between the site and the highway through the access. After clarifying the occasional use of the access, the final consultation response has been no wish to restrict the permission subject to the recommendation of subsequent engagement of the applicant with them.

In principle, the formation of a vehicular access and its subsequent works do not detract from the residential character of the area neither enter in conflict with the neighbouring uses.

Highway safety

As mentioned above, the Highway Authority has no objection to the vehicular access albeit further improvements should be subsequently agreed.

The current timber fence delimiting this access with the adjoining one is deemed acceptable as it

appears sufficiently set back from the highway. Therefore, there is no sound grounds for refusing this application in this regards.

Conclusion

The presence of hardcore on the surface is not desirable as to considerations of design, layout and visual amenity. However, such issue will be addressed in subsequent discussions with Highways Authority. Appropriate surfacing is one of their specifications to ensure development proposals are acceptable on the grounds of highway safety.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Sections 12 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.