DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0444-23**	**Applicant:**	**Weston Parish Council**
Proposal:	Proposed Bus Shelter		
Location:	High Road Weston Spalding		
Terminal Date:	6th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework 2021

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a new bus shelter location along High Road, Weston. The application is one of a series of proposals made along the road for new bus shelters.

The shelter is to measure 2 metres (width) by 1 metre (depth). The height is to be 2 metres. The shelter is to be of a typical design, being a cantilever structure made of tinted UV. The frame is to be aluminium and painted leaf green.

Site Description

The shelter would be located within the settlement on Weston, outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is towards the west of the settlement, directly east of Baytree Garden Centre.

Relevant History

No relevant history.

Consultation Responses

Robert Gibson, LCC

"Fully in support of the bus shelters through Weston."

South Holland Internal Drainage Board

Application does not meet threshold for consultation

Highway and Lead Local Flood Authority

"No objection; The proposed shelter is to be erected at an existing bus stop. This is an elevated stop to allow easy, level access for passengers, particularly those who are in wheelchairs or with pushchairs. As such, the proposed type of shelter would need to be erected with its open side facing towards the carriageway, rather than away from the carriageway as shown on the picture on the submitted specification. The Applicants will be responsible for any necessary relocation of the existing bus stop sign, timetable information board and seat which would otherwise be at the back of the proposed shelter. The bus stop will be within the Public Highway and therefore the Applicants will need to make application for a Permit to have a structure within the Public Highway. Telephone 01522 782070 or e-mail cschighways@lincolnshire.gov.uk Subject to compliance with the advice above, the erection and use of the proposed shelter would not be expected to have an unacceptable impact upon highway safety and the highway authority does not wish to object to the grant of Consent for this Application."

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that 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.
The scale of development is proportionate to the built form of the area and the need of the use. The scale is not great enough as to make the development appear out of keeping with the area, while still allowing the shelter to provide cover for users.

While the materials used are not currently present in the area, they would not be out of keeping with the character of the locale. The materials are typical of a development of this nature and as such would be less visually jarring than they may otherwise be. The use of a muted green colour would help to naturalise the development and reduce damage to the street scene.

The proposal therefore conforms to Policy 2 of the SELLP in terms of design and scale.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

No overlooking would be created by the proposal. There is sufficient distance and border treatments between the shelter and any neighbouring properties to ensure no overshadowing occurs.

As the location is currently used as a bus stop, it is unlikely that the addition of a shelter would cause an increase in noise pollution. There would likely be no increase in foot traffic as a result of the works.

The proposal conforms to Policies 2, 3 and 30 of the SELLP in terms of amenity impact.

Planning Balance

The development would not appear incongruous within the context of the immediate area. While comparable development is not presently seen in the village, it would not be incongruous. The scale of development is proportionate to the needs of the site and the existing street scene.

The sizeable boundary treatments and sufficient separation distance would prevent overlooking or overshadowing. There is a limited potential for an increase in noise pollution.

The relevant consultee from the Highway Department has stated that it is not expected the development would have any negative impacts upon road safety.

The proposal therefore conforms to Policies 2, 3 and 30 of the SELLP. The planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated 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.