

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H23-0070-22 Applicant: Mr V Mustafa
Proposal: Proposed Vehicular Access
Location: Home Farm Millgate Whaplode
Terminal Date: 28th March 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 12
Section 15

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking planning permission for the provision of a dropped kerb and crossover to facilitate vehicular access.

SITE DESCRIPTION

The site lies on Millgate in Whaplode and is outside any settlement boundary, within the open countryside. It is approximately 2.90 km to the south of Whaplode and 1.63 km to the north-west of Whaplode St Catherine. Bleu Raye Farm is immediately to the rear of the site. To the east, Millgate is a single carriageway lane from north to south. A drain runs in parallel with Millgate on its eastern side.

RELEVANT PLANNING HISTORY

H23-1162-21 - Change of use of garage/games room into dwelling - Refusal

H23-1025-20 - Proposed replacement quadruple garage with games room/study above - Approved

H23-1106-17 - Change of use from Nursery to Residential Annexe - Approved

H23-0932-16 - Renovations to create children's nursery (retrospective) - Approved

REPRESENTATIONS

LCC Highways

No objection, subject to standard informatives.

South Holland Internal Drainage

No comments.

PLANNING CONSIDERATIONS

Highway Safety

Policy 2 requires sustainable development considerations to be met, including with regard to access. Policy 3 requires development proposals to consider the layout of parking. Section 9 of the National Planning Policy Framework (2021) requires development proposals to ensure safe and suitable access for all users.

Given the nature of the proposal, the key matter for consideration is highway safety.

The proposal would provide additional on-site parking space to the front of the dwelling.

Lincolnshire County Council have been consulted in their capacity as Highways Authority. They have not raised any concerns with the scheme from a highway safety perspective.

As such the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan and Section 9 of the National Planning Policy Framework 2021.

Trees

One small tree located to the front of the property would be removed to accommodate the new driveway. This is considered acceptable as the tree is relatively small and not considered to be of great value and does not significantly contribute towards the overall appearance of the site/area. The larger tree proposed to be removed is located a sufficient distance from the proposed works and given the nature of the works no unacceptable impact is anticipated.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

Planning Balance

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 proposed vehicular access does not materially harm the character or appearance of the area, the amenity of nearby residents or result in arboricultural implications. The planning balance is therefore in favour of the proposal.

Conclusion

The proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 15 of the National Planning Policy Framework 2021.

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.

RECOMMENDATION

The application is recommended for delegated approval.