

Development Management Delegated Decision Report

B/23/0453



SUMMARY OF APPLICATION				
Application Reference		B/23/0453		
Application Type		Full Planning Permission		
Proposal		Provision of a dropped kerb to existing access		
Location		Agora House 79 London Road, Kirton, Boston PE20 1JE		
Applicant		Mr John Brock		
Agent				
Received Date:	03-Jan-2024	Consultation / Publicity Expiry Date:	16-Feb-2024	
Valid Date:	09-Jan-2024	Statutory Expiry Date:	05-Mar-2024	
Date of Site Visit:	26-Jan-2024	Extension of Time Date:	N/A	
Objections received?		None.		
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation		Approve with Conditions		
Report by:		Megan Epton		
Date:		19-Feb-2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is located on London Road, Kirton and comprises of 1no. two storey detached dwelling that with a large driveway and private amenity space. It is adjacent to 2no. residential dwellings (1no. to the north east and another to the south west) and there are several trees subject to a Tree Preservation Order within the grounds of the site, however all are noted to be unaffected by the proposals.

DETAILS OF PROPOSAL:



It is proposed to create a dropped kerb to provide access to an existing private driveway to the property.

RELEVANT HISTORY:

- B/02/0523- FULL- Single storey rear extension.- APPROVED.
- B/22/0423 – FULL - Proposed garage block and associated works – APPROVED.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The South East Lincolnshire Local Plan (2019) **shows the site as falling within the Kirton settlement boundary**, but no particular allocations or designations applying. The relevant Policies of the Local Plan are:

- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk; and
- Policy 29: The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4: Decision making;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate; and
- Section 16: Conserving and enhancing the historic environment.

National Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

CONSULTATION RESPONSES:

Heritage Lincolnshire were consulted and held no objections.

Lincolnshire County Council (Local Highway and Lead Local Flood Authority) were consulted and held no objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key material planning issues considered in the determination of this application are:

- Design and impact on the character and appearance of the area;
- Impact on residential amenity;
- Impact on highway safety;
- Flood risk; and
- Impact on the historic environment.

Design and Impact on the Character and Appearance

Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Dropped kerbs (to allow off-street parking) are a common feature to dwellings locally and would not harm the character of the area. It is considered that this proposal will remove vehicles from the side of the road which will enhance the appearance of the local area.

To conclude it is considered that this proposal is in accordance with SELLP Policies 2 and 3.

Residential Amenity

Policies 2, 3 and 30 of the SELLP seek to ensure that new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

No.79 London Road is adjacent to no.77 London Road (to the north east) and no.1 Woodside Road (to the south west of the property). As the proposal only relates to a dropped kerb which is a very small scale development, it is not felt that the proposal would result in any adverse impacts upon the amenity of these neighbours.

Therefore, based on the above and that no objections have been received, in respect of the impact on the occupiers of nearby dwellings, the proposal is considered to accord with SELLP Policies 2 and 3.

Impact on Highway Safety

SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.

It is considered that adequate vehicle and pedestrian access to and from the site can be achieved with this proposal. It should be noted that no concerns have been raised by the Local Highway Authority.

To conclude it is considered that this proposal is will have no unacceptably adverse impacts on highway safety and therefore is in accordance with SELLP Policy 2.

Flood Risk

Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The proposal site is located within Flood Zone 3 and a Flood Risk Assessment has been submitted as part of the application. The FRA makes mention of the existing site's general context and the minor scale of the proposed works. It is considered that the proposals would not alter the current existing risk of flooding for the site or surrounding area as the surface level would not be altered.

It is considered that the proposal meets the requirements of SELLP Policy 4.

Impact on the Historic Environment

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings and conservation areas, their setting and any features of special architectural or historic interest. In the context of Section 66 and 72 of the Act, the objective of preservation is to cause no harm. Planning decisions require balanced judgement but, in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building should preserve or better reveal the significance of the Listed Building. Where a proposal affects the significance of a heritage asset including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations.

The application site is located in London Road, Kirton and is within the setting of a number of Listed Buildings: no.96 London Road (Grade II- List UID: 1912102); Gates to no.96 London Road (Grade II- List UID: 192103) and Kirton House, London Road (Grade II- List UID: 192101).

The application is accompanied by a 'Historic Environment Assessment', which states that the property is curtilage listed and that the works will have no impact upon the listed buildings. Whilst the detail of the property being curtilage listed is incorrect - the dwelling is only situated within the setting of the abovementioned listed buildings) – the conclusion remains that the proposed dropped kerb is relatively small in scale and so will have no impact upon the heritage value of the surrounding properties. Heritage Lincolnshire were consulted and confirmed this, stating that the development would have little to no impact upon the setting of the listed buildings around. The Council also takes this view.

Overall, it is not considered that the proposed development would significantly detract from the character and appearance of the adjacent heritage asset and would preserve the setting of the Listed Building, therefore meeting the requirements of SELLP Policy 29.

CONCLUSION:

To conclude, this proposal is considered to be an acceptable form of development that accords with Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan 2019 and Sections 4, 12, 14 and 16 of the NPPF 2023.

RECOMMENDATION:

Approve with Conditions

CONDITIONS / REASONS	
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none">▪ Site Location and Block Plan – received 29-Dec-2023. <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

Lincolnshire County Council Informatives

“Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority’s website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.”

“Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority’s website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>.”

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable

development that improves the economic, social and environmental conditions of the Borough.