

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1101-22 **Applicant:** Mrs J Joyce

Proposal: Siting of temporary office block - approved under H02-1097-17.
Modification of Condition 1 to allow the office block to remain for a further period of time.

Location: Crease Drove Crowland

Terminal Date: 3rd January 2023

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 2021

12 - Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73a Continuation application for the siting of temporary office block - approved under H02-1097-17 at Crease Drove, Crowland. This application seeks a modification of Condition 1 to allow the office block to remain for a further period of time.

SITE DESCRIPTION

The site is within the defined settlement limits of Crowland. The temporary unit is visible from Crease Drove, as it is to the front of the site and behind palisade fencing. Crowland Cranes is located to the north. New dwellings and dwellings currently under construction are located on the opposite side of Crease Drove to the east. The site is within Environment Agency Flood Zone 3, and in "Danger for All" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H02-1013-12

Full - Siting of temporary office block (retrospective) - Approved - 17 January 2017.

H02-1097-17

Section 73A Continuation - Siting of temporary office block - approved under H02-1013-12.
Modification of Condition 1 to allow the continuation of the siting of the office block - Approved - 19 December 2017.

CONSULTATION RESPONSES

North Level Internal Drainage Board

No comment.

Crowland Parish Council

No objections

PLANNING CONSIDERATIONS

The temporary building is in good condition and has been well maintained. There is not reason to suggest the condition of the temporary building would deteriorate quickly, and the five years suggested by the applicant is not an unreasonable amount of time for the unit to remain.

PLANNING BALANCE

The building remains in good condition as does not visually detract from the appearance of the site or surrounding area. It is considered that this building remains in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) 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.