

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1065-20 **Applicant:** Mossop & Bowser
Proposal: Siting of Portacabin - previously approved under H09-1158-17
Location: Mossop And Bowser 10 Spalding Road Holbeach
Terminal Date: 19th January 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Siting of Portacabin - previously approved under H09-1158-17. Siting of Portacabin - previously approved under H09-1158-17. The proposal seeks to retain a portacabin 5 metres wide, 6 metres long, 2.5 metres high and dark green in colour.

The original proposal stated that the purpose of the building is to provide a temporary office for a member of staff before existing staff have retired and the cabin can be removed from the site.

However this application is supported by a statement that the building is being used as additional

office space in general and during the Covid-19 crisis.

Site Description

The cabin location is tucked behind the garden walls of the site and is 9m from Northons Lane, and 10.5m from the eastern boundary with the adjoining property in Northons Lane. The site is within the conservation area.

History

H09-1158-17. Proposed porta-cabin. APPROVED 18-01-18 for a three year period.

Consultation Responses

Holbeach Parish Council

No response received.

SHDC Cllr F Biggadike

Been in situ for 3 years never had any comments from the public about this office being used here, in present situation prefer to let sleeping dogs lie.

Planning Considerations

- Principle of Development
- Impact on conservation area

Principle of Development

This temporary structure supports the ongoing needs of an existing employer, and at this point in time it is considered that Policy 7 of the SELLP can be given great weight, in order to support employment in the area.

Impact on conservation area

A portacabin style building is not an appropriate long term way of providing accommodation within the Conservation Area as it does not comply with the Local Planning Authority's duty to ensure that development will preserve and/or enhance the area, contrary to Policy 29: The Historic Environment of the SELLP and the requirements of the NPPF 2019.

The building is temporary in nature and should be removed at the end of the approval period, and on this basis on balance it is considered that the building would be acceptable for a further temporary period.

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 permanent retention of the building would materially harm the character or appearance of the character and appearance of this part of the conservation area and would be contrary to the policy requirements of Policy 29: The Historic Environment. However, given the employment that this building is supporting, it is considered that at this time Policy 7: Improving S E Lincolnshire's Employment Land Portfolio of the SELLP can be given greater weight for a temporary period.

Conclusion

Grant a further 3 year temporary planning permission.

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.