DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0246-21**	**Applicant:**	**Mrs T Taylor**
Proposal:	Use of site for keeping of more than 6 dogs and use as dog grooming business (retrospective) - re-submission of H16-1123-20		
Location:	Gate House Clay Lake Spalding		
Terminal Date:	5th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a re-submission of a planning application that seeks modifying the hours of opening.

Full planning permission was granted under H16-1123-20 for use of site for keeping of more than 6 dogs and use as dog grooming business at Gate House, Clay Lake, Spalding.

Site Description

The site is a corner plot onto the crossroads of Burr Lane, Clay Lake Bank and Spalding Drove. The area is predominated by open flat agricultural land although there is some residential development scattered along Burr Lane. The western end is mostly dense with ribbon development and the eastern end has a cluster of a few properties near the crossroads.

Gate House is a two-storey detached house facing south-east in close proximity to the highway. The rear garden/yard extends to the north adjoining Spalding Drove to the east. A drain delimits the site to the west.

There are two vehicular accesses. One is for the drive area where there is an outbuilding hosting the dog grooming business. Rail fencing bounds the drive. The other access is for the large yard that hosts kennels, a static caravan and further structures. Timber closeboard fencing of mixed heights enclose this part of the site.

Planning Considerations

Residential amenity

The original permission by way of Condition 4 restrict the hours of opening for the dog grooming business from 17.30h to 18.30h from Monday to Friday; 9.00h to 16.00h on Saturday; and 10.00h to 15.00h on Sunday.

The intended hours with this application are from 08.00h to 18.30h from Monday to Friday; 9.00h to 16.00h on Saturday and 10.00h to 16.00h on Sunday.

SHDC Environmental Health has been consulted and no objection has been raised to the proposed hours of opening.

Planning balance

The intended hours of opening will allow further flexibility to the applicant to book appointments and undertake the grooming jobs. No adverse impact is anticipated upon the amenity of residents nearby by reason of further noise and disturbance. The remainder of aspects of the development remain.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application contravenes Policies 1, 2, 3, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.