DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0374-20**	**Applicant:**	**Country Court Care**
Proposal:	Proposed care home facility (C2) including new access, car parking areas, amenity space and landscaping - approved under H16-0778-18. Modification of Conditions 6 (Relating to FRA) & 16 (Completion of Landscaping)		
Location:	Former Goodfellows School Spalding Common Spalding		
Terminal Date:	10th August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposed care home facility (C2) including new access, car parking areas, amenity space and landscaping - approved under H16-0778-18. Modification of Conditions 6 (Relating to FRA) & 16 (Completion of Landscaping).

The purpose of this application is to vary the two conditions as follows@

Condition 6 (Relating to FRA)

Remove the need for flood barriers to the doors, by putting in place a more sophisticated system of controls.

16 (Completion of Landscaping)

To bring planting to after completion rather than within 12 months of commencement, given the length of the build.

Site Description

As host consent. This scheme is under construction.

Relevant Planning History

H16-0778-18. S73. Proposed care home facility (C2) including new access, car parking areas, amenity space and associated landscaping - approved under H16-1037-16 - Modification of Condition 2 to allow amendments to previously approved plans and increase (100mm) to height of lower roof sections for constructional purposes. Approved. 24-10-18.

H16-1136-19. FULL. Proposed electricity sub-station and sprinkler store. Approved. 03-01-20.

H16-0837-19. S73. Proposed care home facility (C2) including new access, car parking areas, amenity space and associated landscaping - approved under H16-0778-18. Modification of Conditions 2 and 11 to allow amendments to previously approved plans and upvc windows and doors in anthracite grey in lieu of timber.. Approved. 04-11-19.

H16-1037-16. FULL. Proposed care home facility (C2) including new access, car parking areas, amenity space and associated landscaping - re-submission of H16-0003-16. Approved. 01-02-17.

Consultation Responses

Environment Agency

No objection following discussions.

Planning Considerations

The purpose of the conditions originally imposed upon the consent were to ensure acceptable development in a timely manner.

The revised conditions suggested by the applicant would achieve the same purpose, whilst putting in place a more realistic timescale for the landscape planting.

it is considered that these revisions to the conditions are acceptable.

Conclusion

Approve.

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.