

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0834-20 **Applicant:** Country Court Care
Proposal: Erection of a garden pavilion structure (Retrospective)
Location: Former Goodfellows School Site Spalding Common Spalding
Terminal Date: 23rd November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Erection of a timber garden pavilion structure within the private garden area of the development. The summerhouse would measure 4.8m in width by 6.5m in length (including the canopy area) and be constructed in tongue and groove timber, with a felted roof. The base for the pavilion is in situ and the development has commenced.

The structure would be located to the north of the care home building, within the tapering area of garden land at the northern end of the application site, and to the rear (west) of the electrical sub-station building. and would be constructed on a surface-level base formed by a 'no-dig' method underneath the existing trees, in order to avoid any potential harm to the retained trees nearby.

Site Description

The application site is the garden of a newly constructed care home facility (C2), on the western side of Spalding Common. The site faces but is separated from dwellings to the east of Spalding

Common by the public highway.

Relevant History

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

H16-0374-20. S73A CONTINUATION. 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). Approved 01-07-20.

H16-0837-19. 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 06-11-19.

H16-1266-18. Details of Conditions 3 (archaeological investigation), 4 (archaeological matters), 5 (archaeological matters), 7 (provision of bat boxes), 8 (Arboricultural Method Statement), 9 (external materials), 10 (Details of the design of all external doors, window frames and door frames), 13 (means of foul and surface water disposal), 14 (details of the covered cycle racks), 15 (external boxes for gas and electricity supplies and of any gas flues and soil vent pipes), 17 (proposed boundary treatment) and 19 (Details of the external illumination) of H16-0778-18. Approved 27.2.19.

H16-0778-18. 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 31-10-18.

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

Consultation Responses

Third Parties

None received.

Planning Considerations

Visual and Residential Amenity

The proposed summerhouse structure would be in keeping with a domestic garden and would not cause any loss of amenity to the occupiers of the development.

The structure would give an additional amenity for the residents to use.

The proposal accords with the provisions of Policies 2 and 3 of the SELLP, and the intentions of the NPPF.

Impact on trees

The base of the structure is now in situ, and issues regarding the Ash trees under which the pavilion is to be sited have been raised with the applicant, as Ash trees have a tendency to drop branches. The applicant wishes for the application to be determined as submitted, and the issue of the shedding of branches would be for the applicant to address in the future. It is not considered that planning permission could be withheld on this basis.

As the base is already constructed, it is not appropriate to add conditions stipulating a no-dig method.

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.