DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H18-0401-19** | **Applicant:** | **Lincolnshire County Council** |
| **Proposal:** | Erection of mobile classroom to provide additional accommodation for under 2's at Sunbeams Playgroup for a period of 5 years - approved under H18-0280-14 - Modification of Condition 4 to allow an extension of time | | |
| **Location:** | Westmere County Primary School Sunbeams Playgroup Anne Road Sutton Bridge | | |
| **Terminal Date:** | 2nd May 2019 | | |

## Planning Policies

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 01 | Spatial Strategy |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2019**

Section 14. Meeting the challenge of climate change, flooding and coastal change

## Representations:

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

## CASE OFFICER ASSESSMENT

### Proposal

This is a Regulation 3 planning application that seeks permission to modify Condition 4 of H18-0280-14 to allow an extension of time. Planning permission was granted for the erection of mobile classroom to provide additional accommodation for under 2's at Sunbeams Playgroup for a period of 5 years.

### Site Description

The site is vast within a residential area and hosts Sutton Bridge Westmere Community Primary School. There is ancillary development to the education centre in the form of mobile buildings. The mobile classroom subject to this application is adjacent to north of further mobile structures which

are the premises of Sutton Bridge Children's Centre. According to the needs of the educational centre, permission has been granted for new buildings and extensions over the years.

## History

H18-0280-14 - Erection of mobile classroom to provide additional accommodation for under 2's at Sunbeams Playgroup for a period of 5 years - Approved

H18-0018-13 - Construction of four classroom extension to existing school and extension to hard play/games area. Extension to hard play area to replace area taken for the classroom extension - Approved

H18-0815-07 - Proposed building for use as before/after school club - Approved

## Consultation Responses

None

## Planning Considerations

Principle of development

The Condition 2 of H18-0183-14 laid down that "the mobile classroom unit hereby permitted shall be removed on or before 31 May 2019 and thereafter the land reinstated to its former condition" This application is aimed to modify the date and extend permission for a further period of 5 years to retain the mobile classrooms.

Since the date of previous permission, no significant changes have been anticipated on the site regarding flood risk prediction. Mitigation measures contained in Flood Risk Assessment by Mouchel Business Services (Report No: 4203-SPSB-01-FRA), dated March 2014 forming part of the application ref. H18-0280-14 would remain as a planning condition for the intended time extension.

## Conclusion

In light of consideration above, the proposal complies with Policy 1 and 4 of South East Lincolnshire Local Plan, 2019 as well as Section 14 of National Planning Policy Framework, 2019.

It is accordingly recommended to approve this application via delegated powers.

## Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.