DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0251-21**	**Applicant:**	**Miss K Booth**
Proposal:	Erection of wooden garden gazebo - retrospective		
Location:	Chequers 97 High Road Weston		
Terminal Date:	9th June 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Retrospective planning permission is sought for the erection of a wooden gazebo at the rear of The Chequers Inn, 97 High Road. It has a length of 14.4m, width of 5.8m, eves height of 2.4 metres and maximum height of 3.7m approximately. It has a felted tiled roof.

The gazebo has been used as a dining/drinking area during Covid restrictions.

Site Description

The Chequers Inn is located within an existing frontage on the north-western side of High Road within the centre of the village. Houses are located to the north-east (no 95) and to the south-west (no. 99). St Mary's Church (grade I listed) is located to the east of no. 95 High Road, along with an associated Lychgate and other historical features/structures such as crosses, gravestones and tombs, which are grade II listed.

Recent Site History

None

Consultation Responses

Whaplode Parish Council

No comments received.

Environmental Protection (Noise)

No objections subject to no amplified sound being used in the gazebo.

Public

No comments received.

Planning Considerations

The main issues in this case are:
- Policy/principle;
- Character/appearance, including its relationship with the former Red Lion public house, which is grade II listed;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway safety, flooding and drainage.

Policy/principle

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 site is inside Weston Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Weston, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. In this case, the site is within the existing village fabric.

Paragraph 83 of the National Planning Policy Framework, 2019, promotes the sustainable growth of

all types of business in rural areas, and the retention of community facilities such as public houses. Paragraph 92 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The owner is investing in a series of improvements that would help retain and sustain the existing public house during the present difficult climate. The public house is also the only remaining one in the village. The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework and should therefore be supported in principle.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that new development should create a sense of space and respect the character of the area within which it is situated, and complement and enhance designated and non-designated heritage assets. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The gazebo has been constructed in timber with a felt roof. It is located at the rear of the public house and is not readily open to view from High Road. It is considered that it does not materially harm the character or appearance of the streetscene or affect the setting of listed buildings further to the east.

The proposal satisfactorily accords with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Houses are located to the north-east (no 95) and to the south-west (no. 99). The latter is located next to the existing public house car park. The site is also some x metres from the A151 which is a busy arterial road. Consequently, ambient noise levels are higher than would normally be expected in this type of rural location. No resident objections have been received. Environmental Protection (Noise) have raised no objections subject to no amplified noise being played within the gazebo.

It is considered that the amenity of nearby residents would not be affected to a significantly greater degree than at present, subject mitigating conditions. The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan in terms of amenity.

Highway Issues

Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 indicate that sustainable considerations should be met in terms of access and the provision of facilities for the layout of car parking. Policy 36 indicates that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards adopted by the Local Planning Authorities. The parking standards within Appendix 6 indicate that development such as this should be assessed on a site by site basis.

Ample parking is provided on site at the side/rear and also along the frontage if necessary. There are not considered to be any highway safety issues in this case. The proposal satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Other Matters

Flood Risk - The site is located within Flood Zone 1 of the Environment Agency's Flood Maps and within an area identified as "no hazard" within the South East Lincolnshire Strategic flood Risk

Assessment . The proposal is therefore acceptable on flood risk grounds and is in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.

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 site is inside Weston Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Minor Service Centres, including Weston, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. In this case, the site is within the existing village fabric.

The owner is investing in a series of improvements that would help retain and sustain the existing public house during the present difficult climate. The public house is also the only remaining one in the village. The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework in locational terms.

The gazebo is located at the rear and would not materially harm the character or appearance of the streetscene or affect the setting of listed buildings further to the east. The amenity of nearby residents would not be affected to a significantly greater degree than at present, subject mitigating conditions. There are no highway safety or flood risk issues in this case.

The proposal satisfactorily accords with Policies 1, 2, 3, 4, 30, 32 and 36 of the South East Lincolnshire Local Plan, 2019. There are no adverse issues that outweigh factors in favour of the scheme.

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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.