DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0961-21**	**Applicant:**	**Broadgate Homes Ltd**
Proposal:	Residential Development comprising 4 detached bungalows & garages - approved under H01-0203-20. Modification of Condition 11 in relation to finished floor levels & cross sections		
Location:	Land To Rear Of 75 Backgate Cowbit Spalding		
Terminal Date:	8th November 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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
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 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

SEC 73 MODIFICATION. Residential Development comprising 4 detached bungalows & garages - approved under H01-0203-20. Modification of Condition 11 in relation to finished floor levels & cross sections.

Specifically, this application proposes for the dwellings on plot 1 and 2 to be raised 140mm to 3.150 and plot 3 and 4 to be raised 240mm to 3.250 due to conditions now observed on site.

This amendment would result in the proposed floor levels of the dwellings still lower than the floor level of No.75
Backgate.

Site Description

As host consent.

Relevant history

H01-0203-20. FULL. Residential development comprising 4 detached bungalows and garages. Approved. 20-10-20.

H01-1163-20 CONDITION COMPLIANCE. Details of construction management plan, precautions for mud deposits on
road, boundary treatment, tree protection, recommendations for ecological retention, tree works, access road construction and surface water disposal and storage and disposal of refuse and recycling (Conditions 3, 4, 6, 7, 8, 10, 12 & 15 of H01-0203-20). Approved 22-02-21.

H01-0032-21. CONDITION COMPLIANCE. Details relating to written scheme of archaeology investigation (Condition 17 of H01-0203-20). Approved 26-01-21.

Consultation Responses

LCC Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The proposal is for minor amendments to finished floor levels and cross sections that already has approval under H01-0203-20. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

South Holland Internal Drainage Board

Having reviewed the current application can see that it is purely in relation to Condition 11 and thus do not believe a comment from the Board is needed.

Third parties

No responses received.

Planning Considerations

The finished floor levels of the dwellings were set at 3.010 under Condition 11. For reference, this level is 260mm
lower that the existing floor level at No. 75 Backgate which is at 3.270.

The dwellings on plot 1 and 2 are proposed to be raised 140mm to 3.150 and plot 3 and 4 to be raised 240mm to 3.250.

This amendment would result in the proposed floor levels of the dwellings still lower than the floor level of No.75 Backgate.

It is considered that the alterations proposals would still minimise the impact of the development on the adjoining residents, and a condition is proposed to remove permitted development rights for roof and other alterations to minimise further impacts, such as overlooking.

It is considered that the proposals accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan.

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.