DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0708-20**	**Applicant:**	**Longhurst Group**
Proposal:	Details of existing & proposed site levels etc and provision of bird boxes (Conditions 2 & 3 of H02-0079-20)		
Location:	Land East Of Crease Drove Crowland		
Terminal Date:	24th December 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

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flood risk and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of existing & proposed site levels etc and provision of bird boxes (Conditions 2 & 3 of H02-0079-20).

Site Description

As original application.

History

H02-0079-20 - Reserved matters application for the erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal) (approved June 2020)

Consultation Responses

North Level IDB - No comment.

Planning Considerations

Condition 2 (Details of site levels & floor levels) - Condition 18 of H02-0723-16 requires finished floor levels to be set at a minimum of 2.19m AOD. The proposed finished floor levels comply with this requirement. Patio levels would be 150mm below finished floor levels. Ground levels would not vary significantly across the plots within the application site. The lowest levels would be along parts of the northern and southern boundaries. The patio level of the closest property on the site to the south would be approx. 300mm lower than that of the closest dwelling on the application site. However, the ground levels on the application site are higher and thus the base of the fencing along the southern boundary will be at a higher level. The same applies with regard to the site to the north in that site levels are similar to, or slightly higher than, the application site. It is therefore not considered that there will be a material overlooking impact between properties. There is a difference in levels between the end of the rear garden of Plot 49 and the dwelling to the rear. The fencing would be sited on the higher of the two levels. Retaining walls will be used on the northern and southern boundaries where required. In light of these considerations, the proposed levels are considered acceptable.

Condition 3 (Provision of bird boxes) - RammSanderson, whom undertook the original report which recommended the installation of bird boxes on site, have recommended that twelve bird boxes be installed on the south-eastern, southern and south-western elevations of new properties. Based on their experience in this field there is no reason to question the suitability of this proposal.

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

Taking the above into account, it is considered that Conditions 2 & 3 of H02-0079-20 can be discharged.