

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0710-20 **Applicant:** Longhurst Group

Proposal: Details of site levels & floor levels, management and maintenance schedule for landscaping, refuse/recycling & private drives and provision for bird boxes (Conditions 9, 11 & 12 of H02-0078-20)

Location: Land East Of Crease Drove Crowland

Terminal Date: 26th February 2021

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
30	Pollution

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
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of site levels & floor levels, management and maintenance schedule for landscaping,

refuse/recycling & private drives and provision for bird boxes (Conditions 9, 11 & 12 of H02-0078-20).

Site Description

As original application.

History

H02-0078-20 - Full application for the erection of 14 dwellings & associated works (approved August 2020)

Consultation Responses

Crowland Parish Council - The Parish Council has inadequate technical knowledge to fully evaluate and therefore trust SHDC to ensure that the adverse impact on the community, of which there will be some, is minimised. This includes existing housing and community activities.

North Level IDB - No comment.

Planning Considerations

Condition 9 (Details of site levels & floor levels) - Condition 13 of H02-0078-20 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 only vary marginally across Plots 28-34 with the lowest level being 2.05 AOD at the northern boundary of the site. The patio levels of the closest properties on the site to the south would be approx. 300-400mm lower than those of the closest dwellings 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. Structural retaining walls would be used on the northern and southern boundaries where required. In light of these considerations, the proposed levels are considered acceptable.

Condition 11 (Management and maintenance schedule for landscaping, refuse/recycling & private drives) - These areas would be the responsibility of a management company. The areas of soft landscaping and private drives would be maintained in accordance with the submitted Landscape Management Plan, the details of which appear to be acceptable. The agent has advised that the refuse/recycling collection points would be cleaned on a 'needs must basis'. It is considered that some flexibility with regard to this is acceptable given that the level of cleaning required may vary.

Condition 12 (Provision of bird boxes) - RammSanderson, whom undertook the original report which recommended the installation of bird boxes on site, have recommended that six 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 9, 11 & 12 of H02-0078-20 can be discharged.