DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1215-22**	**Applicant:**	**Larkfleet Group**
Proposal:	Details of site & floor levels, hard surfaced areas and garden/amenity areas. (Condition 9 of H05-0565-22)		
Location:	Land At Lowgate Fleet Spalding		
Terminal Date:	16th February 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Section 14 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Details of site & floor levels, hard surfaced areas and garden/amenity areas (Condition 9 of H05-0565-22).

Site Description

The site sits on the western side of Lowgate at the junction with Roman Bank. To the south are a number of frontage properties and an area of paddock land extending to the rear. To the north on the opposite side of Roman Bank is a Grade II Listed Building known as Hovenden House. To the east and west are arable fields. The site is largely flat & featureless save for three fishing lakes in connection with the previous recreational fishing facility on site. Development has commenced on site.

History

H05-0041-21. Details of construction management, mud precautions and tree and hedge planting. (Conditions 5, 6 and 14 of H05-0565-22). Undecided.

H05-0565-22. Erection of 38 cabins for holiday / leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent). Approved November 2022.

H05-0709-21. Application for a Non-Material Amendment to planning permission H05-0773-17 to amend the description of development to 'Erection of 24 (in total) cabins for holiday/leisure use including 6 No. additional cabins, 6 No. cabins granted under H05-0699-16 and 12 No. cabins granted permission under H05-0144-15'. Approved July 2022.

H05-0555-22. Details of external materials (Condition 9 of H05-0773-17). Approved June 2022.

H05-0507-22. Non-Material Amendment (NMA) application to amend the location of the already approved cabins in the first phase and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0379-22. Non-Material Amendment (NMA) application to add a phasing condition and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0404-21. Details of external materials (Condition 9 of H05-0773-17). Approved May 2021.

H05-1033-19. Details of surface and foul water, proposed levels, external materials and storage and disposal of refuse (Conditions 4, 6, 9 and 10 of H05-0773-17). Approved December 2019.

H05-0773-17. Erection of 24 (in total) log cabins for holiday/leisure use including 6 No. additional log cabins; 6 No. cabins granted under planning permission reference H05-0699-16 and 12 No. cabins granted permission under H05-0114-15. Approved July 2018.

H05-0699-16. Construct 6 log cabins for holiday/leisure use. Approved September 2016.

H05-0114-15. Construction of 12 log cabins for holiday/leisure use. Approved September 2015.

Consultation Responses

Public (1 objection received, summarised) -

- Drawings include neighbouring land, trees and posts with fencing shown which has nothing to do with the proposal put forward. The neighbouring land is to the centre of the ditch on the deeds.
- Proposed floor level is over 1.3 metre above neighbouring ground level shown in their drawings.
- Query how the ground level of neighbouring property has been derived when they have not had access to adjacent land.

Planning Considerations

Condition 9 of H05-0565-22 states that:
"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved."

Condition 8 of that permission requires that finished floor levels are set no lower than 3.9 metres above Ordnance Datum (AOD). The proposed levels of the cabins accord with this.

The most any cabin would be raised above the existing site level is 1.2m. The most southerly cabins would be raised by 0.9m and 1.15m respectively. Given the presence of the bund along the southern side of the site, coupled with the existing planting and that proposed by virtue of application ref. H05-0565-22, it is not considered that there would be a material overlooking or overbearing impact due to the raising of those cabins. At the north of the site, cabins would be raised by a lesser extent (0.75m at most) and there is fairly substantial screening along that boundary to minimise the visual and amenity impact of this to an acceptable degree.

In terms of external ground levels, part of the roadway at the east of the site would be raised, as

would the parking spaces for each cabin to enable a fall of level toward the roadway for drainage purposes. The difference in levels is generally no more than 500mm and would not be out of kilter with the extent to which the cabin floor levels would be raised.

In terms of the public objection, the plan indicates neighbouring land in order to provide context and enable consideration of the full picture / impact. Land access is a civil matter, rather than planning.

Overall, it is considered that the proposed levels are acceptable in the context of Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) which seek to preserve residential amenity and the character and appearance of the area.

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 Condition 9 of H05-0565-22 can be discharged.