

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0652-23 **Applicant:** Scenic Homes

Proposal: Details of existing & proposed site levels & floor levels & details of proposed boundary treatments (Conditions 5 & 6 of H08-0193-22)

Location: 38 Siltside Gosberton Risegate Spalding

Terminal Date: 14th September 2023

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at 38 Siltside, Gosberton Risegate for details of existing and proposed site levels and floor levels, as well as details of proposed boundary treatments (Conditions 5 & 6 of H08-0193-22). The parent application was for a replacement dwelling and demolition of the existing dwelling.

SITE DESCRIPTION

This application is situated within the settlement boundary of Gosberton Risegate. The site is a frontage plot between a detached dwelling currently being built adjacent (south-west) and then attached to a two-storey semi detached dwelling (number 36). There is an open field situated to the rear of the property.

The dwelling is currently in a dilapidated state and has clearly not been maintained. The existing dwelling has a history of alterations, which has diminished its character.

The site is located within Environment Agency Flood Zone 2 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected or at risk from flood hazard or flood depth. The approved Flood Risk Assessment recommends that the finished floor levels for be set at 300mm above existing ground level.

RELEVANT HISTORY

H08-0568-07

Full - Proposed replacement dwelling - Refused - 28 June 2007.

H08-1448-07

Full - Proposed replacement dwelling (re-application after refusal H08/0568/07) - Refused - 14 December 2007 (Dismissed at appeal - 20 June 2008.)

H08-0809-21 - On adjacent plot to west

Full - Residential Development - Erection of Detached Dwelling - Approved - 20 September 2021.

H08-0193-22

Full - Replacement dwelling including demolition of existing dwelling - Approved - 20 April 2022.

CONSULTATION RESPONSES

EVALUATION

Compliance with Condition 5 of H08-0193-22 - Details of Existing and Proposed Site Levels

Condition 5 of H08-0193-22 states:

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.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

When the submitted information is assessed against the condition, the following can be observed:

The finished floor levels of the replacement dwelling are 300mm above existing ground level at 3.70m AOD. The patio surrounding the property will be set at 3.55m AOD which is 0.15 metres

below the finished floor levels of the dwelling. The boundary fence is set at a maximum height of 1.8 metres above the ground level 3.40mAOD. Therefore the top of the fence is 1.5 metres higher than the finished floor levels of the dwelling and 1.65 metres higher than the patio surrounding the property. This fence is considered to adequately protect from a ground floor overlooking or general overshadowing impact to the neighbouring properties from this dwelling. First floor rear elevation windows are considered to represent a standard orientation for the dwelling which continues the same line of frontage as the adjacent dwellings.

The proposed site levels for the patio and finished floor levels of the dwelling are considered to be appropriate for the site and surrounding area. This is because the site levels do not have a material impact on the amenity or character of the surrounding area.

Condition 5 of H08-0193-22 has been satisfactorily addressed.

Compliance with Condition 6 of H08-0193-22 - Details of Boundary Treatment

Condition 6 of H08-0193-22 states:

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

When the submitted information is assessed against the condition, the following can be observed:

The proposed boundary treatment will be a 1.8 metre high closeboarded fence to the sides and rear, up to the frontage elevation of the dwelling. Beyond this point a 1.2 metre high close boarded fence will be sited along the western boundary, with a 1 metre high wall along the frontage eastern boundary with 36 Siltside. A replacement cherry laurel hedge to match that of the adjacent dwelling at 40 Siltside approved under H08-0809-21 to the west, will be sited along the site frontage. The proposed boundary treatment is in keeping with the character of the surrounding area and does not impact highway safety.

Condition 6 of H08-0193-22 has been satisfactorily addressed.

CONCLUSION

Based on the above considerations Conditions 5 and 6 of H08-0193-22 are considered to have been satisfactorily addressed.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.