DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-1285-21**	**Applicant:**	**Scenic Homes**
Proposal:	Details of existing & proposed site levels and proposed floor levels (Condition 5 of H08-0809-21)		
Location:	Land Adj. 38 Siltside Gosberton Risegate Spalding		
Terminal Date:	4th February 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of existing & proposed site levels and proposed floor levels (Condition 5 of H08-0809-21).

Site Description

As original application.

History

H08-0568-07- Refusal 28-06-07- Proposed replacement dwelling.

H08-1448-07- Appeal Dismissed 20-06-08- Proposed replacement dwelling (re-application after refusal H08/0568/07).

H08-0809-21- Approval 20-09-21 - Residential Development - Erection of Detached Dwelling.

Consultation Responses

Not applicable.

Planning Considerations

Condition 5 of H08-0809-21 requires the submission of details of existing and proposed site levels and proposed floor levels prior to commencement of development. Condition 4 of that permission requires finished floor levels to be set at 300mm above existing ground level (in accordance with the approved flood risk assessment).

The existing ground level of the site is in the region of 3.40m OD. It is indicated that the finished floor level of the dwelling would be constructed at 3.70m and that the garage floor level would be 3.60m. The level that the living accommodation would be constructed at would therefore be in accordance with Condition 4. It is not unusual for the floor level of garages to be lower than the habitable accommodation. External levels would remain as existing, with the exception of the patio area being raised to 150mm below finished floor level (approx. 150mm increase on existing).

It is not considered that the raising of levels to such a minor extent would create a material overlooking impact and the 1.8m high closeboard fencing indicated on the layout drawing is sufficient.

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 5 of H08-0809-21 can be discharged.